H. R. 6694. An act for the relief of Ervin Haas and Leno Vescovi;

H. R. 6695. An act for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward;

H. R. 6696. An act for the relief of Lawrence B. Williams, and his wife, Viva Craig Williams;

H. R. 6825. An act to extend the time limits for the award of certain decorations and for other purposes; and

H. J. Res. 454. Joint resolution relating to the continuance on the pay rolls of certain employees in cases of death or resignation of Members of the House of Representatives, Delegates, and Resident Commissioners.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 6 minutes p. m.), under its previous order, the House adjourned until Monday, April 24, 1950, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1395. A letter from the Secretary of Defense, transmitting the Semiannual Report of the Secretary of Defense, together with the reports of the Secretaries of the Army, the Navy, and the Air Force, for the period from July 1 to December 31, 1949, pursuant to section 202 (d) of the National Security Act amendments of 1949; to the Committee on Armed Services.

1396. A letter from the Secretary of Defense, transmitting a draft of a proposed bill entitled "A bill to ratify the organization and operations of the Island Trading Co. of Micronesia and to provide for its incorporation"; to the Committee on Public Lands.

1397. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 9, 1950, submitting a report, together with accompanying papers and an illustration, on a review of reports on Hillsboro River, Fla., with a view to modification in the interest of flood control and allied purposes, and particularly with a view to extending the channel to the city waterworks dam, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on December 4, 1946, and also by a resolution of the Committee on Commerce, United States Senate, adopted on March 18, 1946 (H. Doc. No. 567); to the Committee on Public Works and ordered to be printed, with one illustration.

1398. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 1, 1950, submitting a report, together with accompanying papers and an illustration, on a review of reports on and a preliminary examination and survey of Lynn Harbor, Mass., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on March 19, 1946, and authorized by the River and Harbor Act approved on July 24, 1946 (H. Doc. No. 568); to the Committee on Public Works and ordered to be printed, with one illustration.

1399. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 8, 1950, submitting a report, together with accompanying papers and illustrations, on a review of reports on Everett Harbor and Snohomish River, Wash., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on October 8, 1938 (H. Doc. No. 569); to the Committee on Public Works and ordered to be printed, with two illustrations.

1400. A letter from the Acting Attorney General, transmitting copies of the orders of the Commissioner of the Immigration and Naturalization Service granting the status of permanent residence to the subjects of such orders, pursuant to section 4 of the act of Congress approved June 25, 1948 (Public Law 774); to the Committee on the Judiciary.

1401. A letter from the Acting Attorney General, transmitting copies of orders of the Commissioner of Immigration and Naturalization Service suspending deportation as well as a list of the persons involved, pursuant to the act of Congress approved July 1, 1948 (Public Law 863), amending subsection (c) of section 19 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 155 (c)); to the Committee on the Judiciary.

1402. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1950 in the amount of $800,000 for the Office of the Housing Expediter (H. Doc. No. 570); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CROOK: Committee on Post Office and Civil Service. H. R. 5103. A bill to provide for clerical assistance at post offices, branches, or stations serving military and naval personnel, and for other purposes; with amendment (Rept. No. 1933). Referred to the Committee of the Whole House on the State of the Union.

Mr. RHODES: Committee on Post Office and Civil Service. S. 3117. An act to amend the act entitled "An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels," approved May 23, 1930, as amended (39 U. S. C. 245c); without amendment (Rept. No. 1934). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WALTER:

H. R. 8137. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; to the Committee on the Judiciary.

By Mr. BARING:

H. R. 8138. A bill to amend the Stock Pile Act of 1946, Public Law 520, Seventy-ninth Congress, chapter 590, second session; to the Committee on Armed Services.

By Mr. CAMP:

H. R. 8139. A bill to authorize the attendance of the United States Marine Band at the annual reunion of the United Confederate Veterans to be held in Biloxi, Miss., September 27 through September 30, 1950; to the Committee on Armed Services.

By Mr. ELLSWORTH:

H. R. 8140. A bill to provide for economy of manpower requirements in the operation of the Government and to expedite the application of proposals of the Hoover Commission through pay-roll controls during determined periods, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Illinois:

H. R. 8141. A bill to provide for the readjustment of taxes on distilled spirits and on rectified spirits and wines; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H. R. 8142. A bill to extend rural mail delivery service; to the Committee on Post Office and Civil Service.

H. R. 8143. A bill to provide automatic annual pay increases for postmasters; to the Committee on Post Office and Civil Service.

By Mr. D'EWART:

H. R. 8144. A bill to authorize the sale of a small tract of land at Great Falls, Mont.; to the Committee on Public Lands.

By Mrs. KELLY of New York:

H. R. 8145. A bill to extend certain provisions of the Housing and Rent Act of 1947, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H. R. 8146. A bill to authorize the apportionment of officers' retirement pay in certain cases; to the Committee on Armed Services.

By Mr. MITCHELL:

H. R. 8147. A bill to provide for designation of the United States Veterans' Administration hospital now being constructed at Seattle, Wash., as the Hiram R. Gale Memorial Hospital; to the Committee on Veterans' Affairs.

By Mr. BURDICK:

H. R. 8148. A bill to provide an appropriation for the reconstruction and repair of roads and other public facilities in the State of North Dakota which were destroyed or damaged by recent flood; to the Committee on Appropriations

By Mr. HESELTON:

H. R. 8149. A bill for the establishment of a commission to study the agriculture situation and to recommend adequate farm legislation; to the Committee on Agriculture.

By Mr. D'EWART:

H. J. Res. 457. Joint resolution to authorize and direct the Secretary of the Interior to study the respective tribes, bands, and groups of Indians under his jurisdiction to determine their qualifications to manage their own affairs without supervision and control by the Federal Government; to the Committee on Public Lands

By Mr. WILLIAMS (by request):

H. J. Res. 458. Joint resolution to fix the date of termination of World War II for purposes of section 2 of the Veterans' Preference Act of 1944, as amended; to the Committee on Post Office and Civil Service

By Mrs. BOSONE:

H. J. Res. 459. Joint resolution to authorize and direct the Secretary of the Interior to study the respective tribes, bands, and groups of Indians under his jurisdiction to determine their qualifications to manage their own affairs without supervision and control by the Federal Government; to the Committee on Public Lands

By Mr. WALSH:

H. Res. 547. Resolution creating a select committee to investigate the curtailment of postal services; to the Committee on Rules.

H. Res. 548. Resolution to provide funds for the expenses of the investigation authorized by House Resolution 547; to the Committee on House Administration.

By Mr. MARCANTONIO:

H. Res. 549. Resolution favoring rescission of the order of the Postmaster General curtailing certain postal services; to the Committee on Post Office and Civil Service.

By Mr. WHITTINGTON:

H. Res. 550. Resolution providing for the consideration of H. R. 7941, a bill to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize ap-

join them. We, the living, are a part of their infinity. Let us therefore not beat our breasts in helpless anguish but rather "leave our spirits bare to feel the truth they cannot understand."

We are living in urgent times, times in which men search their hearts and minds for at least a few answers to the great and grievous problems with which we are beset. These are, indeed, times which try men's souls. The first half of the twentieth century has been critical, difficult, full of change. Man is passing through a great Gethsemane of moral readjustments to the machines which he has created. Those to whom we pay tribute today have gone from this worldly tempest of doubt and indecision into the soothing calmness and serenity of that long lagoon to which there is no ending. They have served their fellow men. Their day on earth is done. They have been tried and not found wanting. They have gone to their just reward. They live in the enduring quality of their achievements and in the fond recollections of those who knew and loved them. We remain.

Peace, peace! he is not dead, he doth not sleep—
He hath awakened from the dream of life—
'Tis we, who lost in stormy visions, keep
With phantoms an unprofitable strife,
And in mad trance, strike with our spirit's knife
Invulnerable nothings—we decay
Like corpses in a charnel; fear and grief
Convulse us and consume us day by day,
And cold hopes swarm like worms within our living clay.
He hath outsoared the shadow of our night;
Envy and calumny and hate and pain,
And that unrest which men miscall delight,
Can touch him not and torture not again;
From the contagion of the world's slow stain
He is secure.

In sober truth we are not secure save in our unassailable faith that liberty is an imperishable truth. Had Patrick Henry said "Give me security or give me death" we would not know his name today. Liberty. It is for this that we must persevere, that we must live our lives. It is for freedom that we must live and be prepared to die. We must reject the arid atheism with which sinister tyrants are attempting to undermine our institutions, to sabotage our freedom, to corrupt our youth, to dissipate our convictions and to deprive both life and death of their meaning. These godless doctrines point the way to dishonor and despair.

We who are destined to remain for a while in our earthly harness must take counsel of our faith rather than of our fears. In the words of Winston Churchill:

We must be prepared for further efforts of mind and body and further sacrifices to great causes if we are not to fall back into the confusion of aim, the rut of inertia, and the craven fear of being great.

Each of us must do his allotted task in an effort to meet successfully the grim and somber challenge which is crowding down upon us from every corner of the globe. Then when we shall be called to join our dear departed colleagues it shall be said of us, "Well done, thou good and faithful servant."

Life's diverse inceptions, birth and death, are beyond the comprehension of man. Just as nature abhors a vacuum, so man abhors the word death. Our hearts grow numb as we contemplate "the wide harmonic silences of death." There are no words because there is essentially no end. But there is faith. Faith in an indissoluble identity, faith in our own infinity. This meeting of commemoration and of rededication is also one of celebration. We meet to celebrate the soul. Those with whose spirits we commune today have met the dawn of an eternal sun. Our task here is to assure the soul's advance. Plato said "Time is the moving image of eternity." Eternity is now. The time of revelation is now. We are the trustees, the repositories of "all the innumerable yesterdays of time." We are the harbingers of "onward latent long millenniums." We can take heart from the sure knowledge that our opportunities for useful service, for dynamic leadership are equal to our grave responsibilities.

The challenge which faces us who have chosen public service as our mission is essentially the same challenge which has always faced the people's representatives. It is, in its basic elements, the challenge which faces the people of America. We bring that challenge into sharp focus. We must have vision for "where there is no vision the people perish."

This age-old challenge has been given a wonderful clarity and an exciting substance by the turbulent events of the last few decades. We know "deep down in that dumb region of the heart in which we dwell alone" that we cannot meet this challenge merely with procedural devices and man-made machinery. There must be the massive motive power of a moral force. Even the atom bomb will move to the measure of men's thoughts. We shall be hoist with our own delinquency if in this spiritual emergency we rely solely on our material prowess. The dialectical materialism of the brutal Communist dogma cannot be combated solely with plans and agreements, equipment and things. Our material world will crash in splinters around us unless it has some lofty thoughts to hold it up.

Let us then rededicate ourselves to the sublime truths on which our great Nation was founded and forsake the base and mutable alloy which tempts us to seek refuge in vulgar expediencies, trivial pastimes, and ineffectual felicities. Let us be resolute and meet this onslaught of barbarism as our colleagues have met the challenge of the sunrise. Only in this way can we really escape "the tyranny of time, and brief content of all achievement and prosperity." Let us resolve "to illustrate in thought and word and deed, in life and death, the utmost that we are."

So shall this occasion serve to give us a true perspective of the battle in which we are inextricably engaged. So shall we get a clear and steady view of the one prize that is not counterfeit. So shall we transmit to our successors the soul's divine inheritance. So shall these solemn memorial exercises serve not only to punctuate with reverence and warm regard the end of these precious lives but especially to ignite in the living a vibrant determination that this trembling hour shall be the touchstone for future accomplishments and progressions. So shall we at long last achieve a peace based on freedom, virtue, and reason.

Well may we know it lies before us still,
Who are the Pilgrims, as it stretched for them
Whose pilgrimage is done; the self-same road,
Hazardous, hard, unknown, which leads afar,
Thro' lusts and lies, thro' laws and governments,
Thro' all substantial things and sensible forms.
And well for us if we may find it out,
And walk thereon our spirtual way
Forward to real achievements and progressions—
Pilgrims, as once they were, in high resolve
Launched on the Pilgrimage that once was theirs.

TAPS

Master Sgt. Arthur Will sounded taps, the echo being sounded by Staff Sgt. Carl Costenbader.

BENEDICTION

The Chaplain pronounced the following benediction:

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift upon you His countenance and give you peace.

Amen.

The relatives of the deceased Members were escorted from the Chamber by the Committee on Memorials.

AFTER RECESS

At the conclusion of the recess, the Speaker called the House to order.

ADJOURNMENT

The SPEAKER. Pursuant to the provisions of House Resolution 521, as a further mark of respect to the memory of the deceased, the Chair declares the House adjourned until 11 o'clock a. m. tomorrow.

Thereupon (at 1 o'clock and 8 minutes p. m.), under its previous order, the House adjourned until tomorrow, Thursday, May 18, 1950, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Expenditures in the Executive Departments. S. 2969. An act to authorize relief of authorized certifying officers of terminated war agencies in liquidation by the Department of Commerce; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Expenditures in the Executive Departments. S. 3226. An act to authorize relief of authorized certifying officers of terminated war agencies in liquidation by the Department of the Interior; without amendment (Rept. No. 2077). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSSETT: Committee on the Judiciary. H. R. 8137. A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources

within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; without amendment (Rept. No. 2078). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of New York: Committee on the Judiciary. S. 947. An act for the relief of the Baggett Transportation Co., Inc.; without amendment (Rept. No. 2062). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1423. An act for the relief of Alex Morningstar; without amendment (Rept. No. 2063). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1510. An act for the relief of James I. Bartley; without amendment (Rept. No. 2064). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1863. An act for the relief of Fremont Rider; without amendment (Rept. No. 2065). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 2070. An act for the relief of the Clark Funeral Home; without amendment (Rept. No. 2066). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. S. 2339. An act for the relief of the Davis Grocery Co., of Oneida, Tenn.; without amendment (Rept. No. 2067). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 2385. An act for the relief of Edward C. Ritche; without amendment (Rept. No. 2068). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 1022. A bill for the relief of Alvin Smith; with amendment (Rept. No. 2069). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. H. R. 2808. A bill for the relief of Grace G. Walker; with amendment (Rept. No. 2070). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H. R. 4528. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Louis J. Marx; without amendment (Rept. No. 2071). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5109. A bill for the relief of Thomas Clayton Smith; with amendment (Rept. No. 2072). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5157. A bill for the relief of the legal guardian of Anthony Albanese, a minor; with amendment (Rept. No. 2073). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 6458. A bill for the relief of Maj. Roy E. Bevel; with amendment (Rept. No. 2074). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 7046. A bill for the relief of C. W. Jacobs; without amendment (Rept. No. 2075). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL:

H. R. 8534. A bill to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake & Ohio Canal between Great Falls and Cumberland, Md.; to the Committee on Public Lands.

By Mr. CAMP:

H. R. 8535. A bill relating to the redemption of stock to pay death taxes; to the Committee on Ways and Means.

By Mr. CROSSER:

H. R. 8536. A bill to promote the development of improved commercial transport aircraft by providing for the operation, testing, and modification thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. HUBER (by request):

H. R. 8537. A bill to provide a permanent secondary market for home mortgages insured or guaranteed by the Veterans' Administration, and for other purposes; to the Committee on Banking and Currency.

By Mrs. DOUGLAS:

H. J. Res. 472. Joint resolution designating the period beginning July 25 and ending July 31 as National Inventors' Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATTLE:

H. R. 8538. A bill for the relief of the families of certain merchant seamen who lost their lives in an airplane crash; to the Committee on the Judiciary.

By Mr. BEALL:

H. R. 8539. A bill for the relief of Daniel B. Fogle; to the Committee on the Judiciary.

SENATE

THURSDAY, MAY 18, 1950

(Legislative day of Wednesday, March 29, 1950)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Most gracious Lord, Thy mercy is over all Thy works, and new mercies, each returning day, hover around us while we pray. As, when curtains are lifted, through the smallest window streams the light of a vast and distant sun, so Thou, whose light fills all the universe, illuminate the rooms of our being which are darkened only because we shut Thee out. And not only for ourselves, but for our Nation, we pray: that it may not miss the true path, amid the world's confusion. In such a day, as stewards of the future, give us, O Lord, an undimmed faith, a firm hope, a fervent charity, and a will to labor valiantly for the things for which we pray. We ask it in the name that is above every name. Amen.

THE JOURNAL

On request of Mr. MAYBANK, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 17, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 17, 1950, the President had approved and signed the joint resolution (S. J. Res. 176) to suspend the application of certain Federal laws with respect to attorneys employed by the special Senate committee in connection with the investigation ordered by Senate Resolution 202, Eighty-first Congress.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 469. An act for the relief of Cathryn A. Glesener;

S. 1145. An act for the relief of Persephone Poulios;

S. 2071. An act for the relief of Mrs. Alice Willmarth;

S. 2258. An act for the relief of Dr. Apostolos A. Kartsonis;

S. 2308. An act for the relief of William Alfred Bevan;

S. 2427. An act for the relief of Masae Marumoto;

S. 2431. An act for the relief of Sumiko Kato;

S. 2443. An act for the relief of Mrs. Georgette Ponsard;

S. 2479. An act for the relief of A. D. Strenger and his wife, Claire Strenger;

S. 2568. An act for the relief of Carmen E. Lyon; and

S. 3122. An act to authorize the Secretary of the Navy to convey to the Goodyear Aircraft Corp., Akron, Ohio, an easement for sewer purposes in, over, and across certain Government-owned lands situated in Maricopa County, Ariz.

LEAVE OF ABSENCE

On request of Mr. MAYBANK, and by unanimous consent, Mr. CHAVEZ was excused from attendance on the sessions of the Senate for an indefinite period.

On his own request, and by unanimous consent, Mr. LANGER was excused from attendance on the sessions of the Senate, following this evening, until Tuesday.

MEETING OF COMMITTEE DURING SENATE SESSION

On request of Mr. MCCARRAN, and by unanimous consent, the subcommittee of the Committee on the Judiciary considering House bill 3111, to amend the Bankruptcy Act, was authorized to meet this afternoon during the session of the Senate.

CALL OF THE ROLL

Mr. MAYBANK. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WHERRY. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

economy are not enough, it is how we vote that really counts.

The vote on the amendment this afternoon is a vote not only for a better and sounder farm program, but also a vote for the saving of around $1,000,000,000 to the American taxpayers during the next 12 months. It is a vote which will check this obnoxious policy of a planned destruction of food to create artificial shortages. A vote for our amendment lowering the support prices will automatically provide lower prices to the American housewives, and the increased consumption which follows such a reduction in prices will have a tendency to start our unwieldy inventories moving in the normal channels of trade, and remove the necessity of the two-billion increase to be voted on today.

There is no use kidding the American housewife. She is never going to purchase her groceries at lower prices under any agricultural program, regardless of its name, until the support prices to the American farmer are reduced accordingly.

The Secretary of Agriculture, Mr. Brannan, during recent months, has been trying to make political capital by promising the farmers increased support prices, and at the same time promising housewives lower prices. Then he has the effrontery to tell the American taxpayer that this will cost less. To hear Mr. Brannan explain his utopian farm program reminds me of an inventor's dream of how he plans to place in operation the machine of perpetual motion. While it is admitted that either idea has a lot of appeal, yet in both instances we are confronted with the same problem; namely, that the sponsors themselves have not the slightest idea of how to make their plan work.

The cold facts of the situation are that no agricultural program under any name will ever work during peacetime which proposes to support any agricultural commodity at a price higher than the cost of production. The sooner this principle is recognized and the program reduced accordingly, the better it will be for the American farmers, consumers, and taxpayers. The adoption of this amendment here this afternoon would be a major step in that direction.

Mr. President, in conclusion let me say that while I come from one of the Eastern States I think I am qualified to speak so far as agriculture is concerned, because the county in which I live ranks third in agricultural production among the counties east of the Rocky Mountains. In agricultural production we outrank any county in any of the States which are represented on the two Agricultural Committees. Entirely too many Members of the Senate think that all of the farmers are located in the Mississippi Valley and the South. Our farmers in the East are just as important to the economy of this country as are the western farmers, and they are being bankrupted under this existing policy of supporting western grains at artificially high levels.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Fulbright	Martin
Bricker	Gillette	Morse
Byrd	Ives	Mundt
Donnell	Knowland	Stennis
Dworshak	Leahy	Williams
Ellender	McCarthy	
Frear	McClellan	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BUTLER, Mr. CAIN, Mr. CORDON, Mr. DOUGLAS, Mr. ECTON, Mr. HENDRICKSON, Mr. HILL, Mr. KEM, Mr. LONG, Mr. LUCAS, Mr. MAGNUSON, Mr. MAYBANK, Mr. MCKELLAR, Mr. MCMAHON, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SMITH of New Jersey, Mr. SPARKMAN, Mr. THOMAS of Utah, Mr. THYE, Mr. TYDINGS, Mr. WATKINS, and Mr. WHERRY answered to their names when called.

The PRESIDING OFFICER. A quorum is not present.

Mr. DOUGLAS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BREWSTER, Mr. CAPEHART, Mr. CHAPMAN, Mr. CONNALLY, Mr. FERGUSON, Mr. FLANDERS, Mr. GEORGE, Mr. GREEN, Mr. HAYDEN, Mr. HOEY, Mr. HOLLAND, Mr. JOHNSON of Colorado, Mr. JOHNSON of Texas, Mr. KEFAUVER, Mr. KILGORE, Mr. LANGER, Mr. LEHMAN, Mr. LODGE, Mr. MALONE, Mr. MCCARRAN, Mr. MCFARLAND, Mr. MILLIKIN, Mr. MURRAY, Mr. NEELY, Mr. O'MAHONEY, Mr. PEPPER, Mr. ROBERTSON, Mr. TAFT, Mr. TOBEY, Mr. WITHERS, and Mr. YOUNG entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS] for himself and other Senators.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

TIDELANDS OIL CASES—SUPREME COURT DECISIONS

Mr. MCCARTHY obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. MCCARTHY. I am glad to yield.

Mr. O'MAHONEY. Mr. President, yesterday the Supreme Court of the United States handed down two important decisions involving the marginal sea and the resources thereunder. One was in the case of the United States against the State of Louisiana, the other, in the case of United States against the State of Texas. Both decisions are of the utmost importance for the consideration of Members of Congress, and I ask unanimous consent that they may be printed in the body of the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—No. 12, ORIGINAL—OCTOBER TERM, 1949—THE UNITED STATES OF AMERICA, PLAINTIFF *v.* THE STATE OF LOUISIANA—MOTION FOR LEAVE TO FILE COMPLAINT AND COMPLAINT

(June 5, 1950)

Mr. Justice Douglas delivered the opinion of the Court:

"The United States by its Attorney General and its Solicitor General brought this suit against the State of Louisiana, invoking our jurisdiction under article III, section 2, Cl. 2 of the Constitution, which provides 'In all cases * * * in which a State shall be a party, the Supreme Court shall have original jurisdiction.'

"The complaint alleges that the United States was and is 'the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana and outside of the inland waters, extending seaward 27 marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana.'

"The complaint further alleges that Louisiana, claiming rights in that property adverse to the United States, has made leases under her statutes to various persons and corporations which have entered upon said lands, drilled wells for the recovery of petroleum, gas and other hydrocarbon substances, and paid Louisiana substantial sums of money in bonuses, rent, and royalties, but that neither Louisiana nor its lessees have recognized the rights of the United States in said property.

"The prayer of the complaint is for a decree adjudging and declaring the right of the United States as against Louisiana in this property, enjoining Louisiana and all persons claiming under it from continuing to trespass upon the area in violation of the right of the United States, and requiring Louisiana to account for the money derived by it from the area subsequent to June 23, 1947.

"Louisiana opposed the motion for leave to file the complaint, contending that the States have not consented to be sued by the Federal Government and that *United States* v. *Texas* (143 U. S. 621), which held that article III, section 2, Cl. 2 of the Constitution, granting this Court original jurisdiction in cases 'in which a State shall be a party,' includes cases brought by the United States against a State should be overruled. We heard argument on the motion for leave to file and thereafter granted it. (337 U. S. 902, rehearing denied, 337 U. S. 928.)

"Louisiana then filed a demurrer asserting that the Court has no original jurisdiction of the parties or of the subject matter. She moved to dismiss on the ground that the lessees are indispensable parties to the case; and she also moved for a more definite statement of the claim of the United States and for a bill of particulars. The United States moved for judgment. The demurrer was overruled, Louisiana's motions denied, and the motion of the United States for judgment was denied, Louisiana being given 30 days in which to file an answer (338 U. S. 806).

"In her answer Louisiana admits that 'the United States has paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico adjacent to the coast of Louisiana, to the extent of all governmental powers existing under the Constitution, laws, and treaties of the United States,' but asserts that there are no con-

flicting claims of governmental powers to authorize the use of the bed of the Gulf of Mexico for the purpose of searching for and producing oil and other natural resources, on which the relief sought by the United States depends, since the Congress has not adopted any law which asserts such Federal authority over the bed of the Gulf of Mexico. Louisiana, therefore, contends that there is no actual justiciable controversy between the parties. Louisiana in her answer denies that the United States has a fee simple title to the lands, minerals, and other things underlying the Gulf of Mexico. As affirmative defenses Louisiana asserts that she is the holder of fee simple title to all the lands, minerals, and other things in controversy; and that since she was admitted into the Union in 1812, she has exercised continuous, undisturbed, and unchallenged sovereignty and possession over the property in question.

"Louisiana also moved for trial by jury. She asserts that this suit, involving title to the beds of tide waters, is essentially an action at law and that the seventh amendment and 28 United States Code, section 1872, 62 United States Statutes 953, require a jury.[1]

"The United States then moved for judgment on the ground that Louisiana's asserted defenses were insufficient in law. We set the case down for argument on that motion.

"The territory out of which Louisiana was created was purchased by the United States from France for $15,000,000 under the treaty of April 30, 1803, 8 United States Statutes 200. In 1804 the area thus acquired was divided into two territories, one being designated as the Territory of Orleans, 2 United States Statutes 283. By the enabling act of February 20, 1811, 2 United States Statutes 641, the inhabitants of the Territory of Orleans were authorized to form a constitution and a State government. By the act of April 8, 1812, 2 United States Statutes 701, 703, Louisiana was admitted to the Union on an equal footing with the original States, in all respects whatever. And as respects the southern boundary, that act recited that Louisiana was 'bounded by the said Gulf [of Mexico] * * * including all islands within three leagues of the coast.'[2] In 1938 Louisiana by statute declared its southern boundary to be 27 marine miles from the shore line.[3]

"We think *United States* v. *California* (332 U. S. 19) controls this case and that there must be a decree for the complainant.

"We lay aside such cases as *Toomer* v. *Witsell* (334 U. S. 385, 393) where a State's regulation of coastal waters below the low-water mark collides with the interests of a person not acting on behalf of or under the authority of the United States. The question here is not the power of a State to use the marginal sea or to regulate its use in absence of a conflicting Federal policy; it is the power of a State to deny the paramount authority which the United States seeks to assert over the area in question. We also put to one side *New Orleans* v. *United States* (10 Pet. 662), holding that title to or dominion over certain lots and vacant land along the river in the city of New Orleans did not pass to the United States under the treaty of cession but remained in the city. Such cases, like those involving ownership of the land under the inland waters (see, for example, *Pollard's Lessee* v. *Hagan* (3 How. 212)), are irrelevant here. As we pointed out in *United States* v. *California*, the issue in this class of litigation does not turn on title or ownership in the conventional sense. California, like the Thirteen Original Colonies, never acquired ownership in the marginal sea. The claim to our 3-mile belt was first asserted by the National Government. Protection and control of the area are indeed functions of national external sovereignty (332 U. S., pp. 31–34). The marginal sea is a national, not a State concern. National interests, national responsibilities, national concerns are involved. The problems of commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area.

"That is the rationale of *United States* v. *California*. It is fully elaborated in the opinion of the Court in that case and does not need repetition.

"We have carefully considered the extended and able argument of Louisiana in all its aspects and have found no reason why Louisiana stands on a better footing than California so far as the 3-mile belt is concerned. The national interest in that belt is as great off the shore line of Louisiana as it is off the shore line of California. And there are no material differences in the preadmission or postadmission history of Louisiana that make her case stronger than California's. Louisiana prior to admission had no stronger claim to ownership of the marginal sea than the Original Thirteen Colonies or California had. Moreover, the national dominion in the 3-mile belt has not been sacrificed or ceded away in either case. The United States, acting through its Attorney General who has authority to assert claims of this character and to invoke our jurisdiction in a Federal-State controversy (*United States* v. *California*, pp. 26–29), now claims its paramount rights in this domain.

"There is one difference, however, between Louisiana's claim and California's. The latter claimed rights in the 3-mile belt. Louisiana claims rights 24 miles seaward of the 3-mile belt. We need note only briefly this difference. We intimate no opinion on the power of a State to extend, define, or establish its external Territorial limits or on the consequences of any such extension vis-à-vis persons other than the United States or those acting on behalf of or pursuant to its authority. The matter of State boundaries has no bearing on the present problem. If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than that of the separate States, it follows a fortiori that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area, including oil.

"Louisiana's motion for a jury trial is denied. We need not examine it beyond noting that this is an equity action for an injunction and accounting. The seventh amendment and the statute,[4] assuming they extend to cases under our original jurisdiction, are applicable only to actions at law. (See *Shields* v. *Thomas* (18 How. 253, 262); *Barton* v. *Barbour* (104 U. S. 126, 133–134).)

"We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may before September 15, 1950, submit the form of decree to carry this opinion into effect."

So ordered.

Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this case.

Mr. Justice Frankfurter:

"Time has not made the reasoning of *United States* v. *California* (332 U. S. 19) more persuasive but the issue there decided is no longer open for me. It is relevant, however, to note that in rejecting California's claim of ownership in the off-shore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.[5]

"I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle."

SUPREME COURT OF THE UNITED STATES—NO. 13, ORIGINAL—OCTOBER TERM, 1949—THE UNITED STATES OF AMERICA, PLAINTIFF *v.* THE STATE OF TEXAS—MOTION FOR LEAVE TO FILE COMPLAINT AND COMPLAINT

(June 5, 1950)

Mr. Justice Douglas delivered the opinion of the Court:

"This suit, like its companion *United States* v. *Louisiana*, *ante*, decided this day, invokes our original jurisdiction under article III, section 2, clause 2 of the Constitution, and puts into issue the conflicting claims of the parties to oil and other products under the bed of the ocean below low-water mark off the shores of Texas.

"The complaint alleges that the United States was and is 'the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Texas and outside of the inland waters, extending seaward to the outer edge of the continental shelf and bounded on the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico.'

"The complaint is in other material respects identical with that filed against Louisiana. The prayer is for a decree adjudging and declaring the rights of the United States as against Texas in the above-described area, enjoining Texas and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States, and requiring Texas to account to the United States for all money derived by it from the area subsequent to June 23, 1947.

"Texas opposed the motion for leave to file the complaint on the grounds that the Attorney General was not authorized to bring the suit and that the suit, if brought, should be instituted in a district court. And Texas, like Louisiana, moved to dismiss on the ground that since Texas had not

[1] The seventh amendment provides: "In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

28 U. S. C. section 1872 provides: "In all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury."

[2] And see Dart, Louisiana Constitutions (1932), p. 499.

[3] 6 Dart, La. Gen. Stats. (1939), secs. 9311.1 to 9311.4.

[4] See note 1, supra.

[5] The decree proposed by the United States read in part: "1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights *of proprietorship* in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean." The italicized words were omitted in the Court's decree (332 U. S. 804, 805).

consented to be sued, the Court had no original jurisdiction of the suit. After argument we granted the motion for leave to file the complaint (337 U. S. 902). Texas then moved to dismiss the complaint on the ground that the suit did not come within the original jurisdiction of the Court. She also moved for a more definite statement or for a bill of particulars and for an extension of time to answer. The United States then moved for judgment. These various motions were denied and Texas was granted 30 days to file an answer (338 U. S. 806).

"Texas in her answer, as later amended, renews her objection that this case is not one of which the Court has original jurisdiction; denies that the United States is or ever has been the owner of the lands, minerals, etc., underlying the Gulf of Mexico within the disputed area; denies that the United States is or ever has been possessed of paramount rights in our full dominion over the lands, minerals, etc., underlying the Gulf of Mexico within said area except the paramount power to control, improve, and regulate navigation which under the Commerce clause the United States has over lands beneath all navigable waters and except the same dominion and paramount power which the United States has over uplands within the United States, whether privately or State owned; denies that these or any other paramount powers or rights of the United States include ownership or the right to take or develop or authorize the taking or developing of oil or other minerals in the area in dispute without compensation to Texas; denies that any paramount powers or rights of the United States include the right to control or to prevent the taking or developing of these minerals by Texas or her lessees except when necessary in the exercise of the paramount Federal powers, as recognized by Texas, and when duly authorized by appropriate action of the Congress; admits that she claims rights, title, and interest in said lands, minerals, etc., and says that her rights include ownership and the right to take, use, lease, and develop these properties; admits that she has leased some of the lands in the area and received royalties from the lessees but denies that the United States is entitled to any of them; and denies that she has no title to or interest in any of the lands in the disputed area.

"As an affirmative defense Texas asserts that as an independent nation, the Republic of Texas had open, adverse, and exclusive possession and exercised jurisdiction and control over the land, minerals, etc., underlying that part of the Gulf of Mexico within her boundaries established at three marine leagues from shore by her first Congress and acquiesced in by the United States and other major nations; that when Texas was annexed to the United States the claim and rights of Texas to this land, minerals, etc., were recognized and preserved in Texas; that Texas continued as a State, to hold open, adverse and exclusive possession, jurisdiction and control of these lands, minerals, etc., without dispute, challenge or objection by the United States; that the United States has recognized and acquiesced in this claim and these rights; that Texas under the doctrine of prescription has established such title, ownership, and sovereign rights in the area as preclude the granting of the relief prayed.

"As a second affirmative defense Texas alleges that there was an agreement between the United States and the Republic of Texas that upon annexation Texas would not cede to the United States but would retain all of the lands, minerals, etc., underlying that part of the Gulf of Mexico within the original boundaries of the Republic.

"As a third affirmative defense Texas asserts that the United States acknowledged and confirmed the three-league boundary of Texas in the Gulf of Mexico as declared, established, and maintained by the Republic of Texas and as retained by Texas under the annexation agreement.

"Texas then moved for an order to take depositions of specified aged persons respecting the existence and extent of knowledge and use of subsoil minerals within the disputed area prior to and since the annexation of Texas, and the uses to which Texas has devoted parts of the area as bearing on her alleged prescriptive rights. Texas also moved for the appointment of a special master to take evidence and report to the Court.

"The United States opposed these motions and in turn moved for judgment asserting that the defenses tendered by Texas were insufficient in law and that no issue of fact had been raised which could not be resolved by judicial notice. We set the case down for argument on that motion.

"We are told that the considerations which give the Federal Government paramount rights in, and full dominion and power over, the marginal sea off the shores of California and Louisiana (see *United States* v. *California* (332 U. S. 19); *United States* v. *Louisiana, supra*) should be equally controlling when we come to the marginal sea off the shores of Texas. It is argued that the national interests, national responsibilities, and national concerns which are the basis of the paramount rights of the National Government in one case would seem to be equally applicable in the other.

"But there is a difference in this case which, Texas says, requires a different result. That difference is largely in the preadmission history of Texas.

"The sum of the argument is that prior to annexation Texas had both dominium (ownership or proprietary rights) and imperium (governmental powers of regulation and control) as respects the lands, minerals and other products underlying the marginal sea. In the case of California we found that she, like the original Thirteen Colonies, never had dominium over that area. The first claim to the marginal sea was asserted by the National Government. We held that protection and control of it were indeed a function of national external sovereignty (332 U. S. 31–34). The status of Texas, it is said, is different: Texas, when she came into the Union, retained the dominium over the marginal sea which she had previously acquired and transferred to the National Government only her powers of sovereignty—her imperium—over the marginal sea.

"This argument leads into several chapters of Texas history.

"The Republic of Texas was proclaimed by a convention on March 2, 1836.[1] The United States[2] and other nations[3] formally recognized it. The Congress of Texas on December 19, 1836, passed an act defining the boundaries of the Republic.[4] The southern boundary was described as follows: 'beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande.'[5] Texas was admitted to the Union in 1845 'on an equal footing with the existing States,'[6] Texas claims that during the period from 1836–45 she had brought this marginal belt into her territory and subjected it to her domestic law which recognized ownership in minerals under coastal waters. This the United States contests. Texas also claims that under international law as it had evolved by the 1840's, the Republic of Texas as a sovereign nation became the owner of the bed and subsoil of the marginal sea vis-à-vis other nations. Texas claims that the Republic of Texas acquired during that period the same interest in its marginal sea as the United States acquired in the marginal sea off California when it purchased from Mexico in 1848 the Territory from which California was later formed. This the United States contests.

"The joint resolution annexing Texas[7] provided in part:

" 'Said State, when admitted into the Union, after ceding to the United States, all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.'

"The United States contends that the inclusion of fortifications, barracks, ports and harbors, navy and navy yards, and docks in the cession clause of the resolution demonstrates an intent to convey all interests of the republic in the marginal sea, since most of these properties lie side by side with, and shade into, the marginal sea. It stresses the phrase in the resolution 'other property and means pertaining to the public defence.' It argues that possession by the United States in the lands underlying the marginal sea is a defense necessity. Texas maintains that the construction of the resolution both by the United States and Texas has been restricted to properties which the republic actually used at the time in the public defense.

"The United States contends that the 'vacant and unappropriated lands' which by the resolution were retained by Texas do not include the marginal belt. It argues that the purpose of the clause, the circumstances of its inclusion, and the meaning of the words in Texas and Federal usage give them a more restricted meaning. Texas replies that since the United States refused to assume the liabilities of the republic, it was to have no claim to the assets of the republic except the defense properties expressly ceded.

"In the California case, neither party suggested the necessity for the introduction of evidence (332 U. S. 24). But Texas makes an earnest plea to be heard on the facts as they bear on the circumstances of her history which, she says, sets her apart from the other States on this issue.

"The Court in original actions, passing as it does on controversies between sovereigns which involve issues of high public importance, has always been liberal in allowing full development of the facts (*United States* v. *Texas* (162 U. S. 1), *Kansas* v. *Colorado* (185 U. S. 125, 144, 145, 147), *Oklahoma* v. *Texas* (253 U. S. 465, 471)). If there were a dispute as to the meaning of documents and the answer was to be found in diplomatic

[1] 1 Laws, Rep. of Texas, p. 6.

[2] See the resolution passed by the Senate March 1, 1837 (Cong. Globe, 24th Cong., 2d sess., p. 270), the appropriation of a salary for a diplomatic agent to Texas (5 Stat. 170), and the confirmation of a chargé d'affaires to the Republic in 1837. 5 Exec. Journ. 17.

[3] See 2 Gammel's Laws of Texas 655, 880, 886, 889, 905 for recognition by France, Great Britain, and the Netherlands.

[4] 1 Laws, Rep. of Texas, p. 133.

[5] The traditional 3-mile maritime belt is one marine league or three marine miles in width. One marine league is 3.45 English statute miles.

[6] See joint resolution approved March 1, 1845, 5 Stat. 797.

[7] See note 6, supra.

correspondence, contemporary construction, usage, international law, and the like, introduction of evidence and a full hearing would be essential.

"We conclude, however, that no such hearing is required in this case. We are of the view that the 'equal footing' clause of the joint resolution annexing Texas to the Union disposes of the present phase of the controversy.

"The 'equal footing' clause has long been held to refer to political rights and to sovereignty. See *Stearns* v. *Minnesota*, 179 U. S. 223, 245. It does not, of course, include economic stature or standing. There has never been equality among the States in that sense. Some States when they entered the Union had within their boundaries tracts of land belonging to the Federal Government; others were sovereigns of their soil. Some had special agreements with the Federal Government governing property within their borders. See *Stearns* v. *Minnesota*, *supra*, pp. 243–245. Area, location, geology, and latitude have created great diversity in the economic aspects of the several States. The requirement of equal footing was designed not to wipe out those diversities but to create parity as respects political standing and sovereignty.

"Yet the 'equal footing' clause has long been held to have a direct effect on certain property rights. Thus the question early arose in controversies between the Federal Government and the States as to the ownership of the shores of navigable waters and the soils under them. It was consistently held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property would deny them admission on an equal footing with the original States, since the original States did not grant these properties to the United States but reserved them to themselves. See Pollard's *Lessee* v. *Hagan* (3 How. 212, 228–229); *Mumford* v. *Wardwell* (6 Wall. 423, 436); *Weber* v. *Harbor Commissioners* (18 Wall. 57, 65–66); *Knight* v. *U. S. Land Association* (142 U. S. 161, 183); *Shively* v. *Bowlby* (152 U. S. 1, 26); *United States* v. *Mission Rock Co.* (189 U. S. 391, 404). The theory of these decisions was aptly summarized by Mr. Justice Stone, speaking for the Court in *United States* v. *Oregon* (295 U. S. 1, 14), as follows: [8]

" 'Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged, in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. See *Massachusetts* v. *New York* (271 U. S. 65, 89). For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce.'

"The equal footing clause, we hold, works the same way in the converse situation presented by this case. It negatives any implied, special limitation of any of the paramount powers of the United States in favor of a State. Texas prior to her admission was a republic. We assume that as a republic she had not only full sovereignty over the marginal sea but ownership of it, of the land underlying it, and of all the riches which it held. In other words we assume that it then had the dominium and imperium in and over this belt which the United States now claims. When Texas came into the Union, she ceased to be an independent nation. She then became a sister State on an equal footing with all the other States. That act concededly entailed a relinquishment of some of her sovereignty. The United States then took her place as respects foreign commerce, the waging of war, the making of treaties, defense of the shores, and the like. In external affairs the United States became the sole and exclusive spokesman for the Nation. We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

"We stated the reasons for this in *United States* v. *California*, page 35, as follows:

" 'The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.'

"And so although dominium and imperium are normally separable and separate,[9] this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

"It is said that there is no necessity for it—that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States* v. *California*, once low-water mark is passed the international domain is reached. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights in it. Such is the rationale of the California decision which we have applied to Louisiana's case. The same result must be reached here if 'equal footing' with the various States is to be achieved. Unless any claim or title which the Republic of Texas had to the marginal sea is subordinated to this full paramount power of the United States on admission, there is or may be in practical effect a subtraction in favor of Texas from the national sovereignty of the United States. Yet neither the Original Thirteen States (*United States* v. *California* (supra, pp. 31–32)) nor California nor Louisiana enjoys such an advantage. The 'equal footing' clause prevents extension of the sovereignty of a State into a domain of political and sovereign power of the United States from which the other States have been excluded, just as it prevents a contraction of sovereignty (Pollard's *Lessee* v. *Hagan*, supra) which would produce inequality among the States. For equality of States means that they are not 'less or greater, or different in dignity or power.' See *Coyle* v. *Oklahoma* (221 U. S. 559, 566). There is no need to take evidence to establish that meaning of 'equal footing.'

"Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico 24 marine miles beyond the 3-mile limit and asserted ownership of the bed within that area.[10] And in 1947 she put the extended boundary to the outer edge of the continental self.[11] The irrelevancy of these acts to the issue before us has been adequately answered in *United States* v. *Louisiana*. The other contentions of Texas need not be detailed. They have been foreclosed by *United States* v. *California* and *United States* v. *Louisiana*.

"The motions of Texas for an order to take depositions and for the appointment of a special master are denied. The motion of the United States for judgment is granted. The parties, or either of them, may before September 15, 1950, submit the form of decree to carry this opinion into effect."

So ordered.

Mr. Justice Jackson and Mr. Justice Clark took no part in the consideration or decision of this case.

Mr. Justice Reed, with whom Mr. Justice Minton joins, dissenting.

"This case brings before us the application of *United States* v. *California* (332 U. S. 19), to Texas. Insofar as Louisiana is concerned, I see no difference between its situation and that passed upon in the California case. Texas, however, presents a variation which requires a different result.

"The California case determines, page 36, that since 'paramount rights run to the States in inland waters to the shoreward of the low water mark, the same relationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt.' Thus the Court held, page 39, that the Federal Government has power over that belt, an incident of which is 'full dominion over the resources of the soil under that water area, including oil.' But that decision was based on the premise, pages 32–34, that the 3-mile belt had never belonged to California. The California case points out that it was the United States which had acquired this seacoast area for the Nation. Sovereignty over that area passed from Mexico to this country. The Court commented that similar belts along their shores were not owned by the original seacoast States. Since something akin to ownership of the similar area along the coasts of the original States was thought by the Court to have been obtained through an assertion of full dominion by the United States to this hitherto unclaimed portion of the earth's surface, it was decided that a similar right in the California area was

[8] The same idea was expressed somewhat differently by Mr. Justice Field in *Weber* v. *Harbor Commissioners*, supra, pp. 65–66, as follows: "Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in, and dominion and sovereignty over, all soils under the tidewaters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the general Government."

[9] See the statement of Mr. Justice Field (then chief justice of the Supreme Court of California) in *Moore* v. *Smaw* (17 Calif. 199, 218–219).

[10] Act of May 16, 1941, L. Texas, 47th Leg., p. 454.

[11] Act of May 23, 1947, L. Texas, 50th Leg., p. 451.

obtained by the United States. The contrary is true in the case of Texas. The Court concedes that prior to the Resolution of Annexation, the United States recognized Texas ownership of the 3-league area claimed by Texas.[12]

"The Court holds immaterial the fact of Texas' original ownership of this marginal sea area, because Texas was admitted on an 'equal footing' with the other States by the Resolution of Annexation (5 Stat. 797). The scope of the 'equal footing' doctrine, however, has been thought to embrace only political rights or those rights considered necessary attributes of State sovereignty. Thus this Court has held in a consistent line of decisions that since the Original States, as an incident of sovereignty, had ownership and dominion over lands under navigable waters within their jurisdiction, States subsequently admitted must be accorded equivalent ownership (e. g., *Pollard* v. *Hagen* (3 How. 212); *Martin* v. *Waddell* (16 Pet. 367)). But it was an articulated premise of the California decision that the Thirteen Original States neither had asserted ownership nor had held dominion over the 3-mile zone as an incident of sovereignty.

"'Equal footing' has heretofore brought to a State the ownership of river beds, but never before has that phrase been interpreted to take away from a newly admitted State property that it had theretofore owned. I see no constitutional requirement that this should be done and I think the Resolution of Annexation left the marginal sea area in Texas. The resolution expressly consented that Texas should retain all 'the vacant and unappropriated lands lying within its limits.' An agreement of this kind is in accord with the holding of this Court that ordinarily lands may be the subject of compact between a State and the Nation (*Stearns* v. *Minnesota* (179 U. S. 223, 245)). The Court, however, does not decide whether or not 'the vacant and unappropriated lands lying within its limits' (at the time of annexation) includes the land under the marginal sea. I think that it does include those lands (cf. *Hynes* v. *Grimes* (337 U. S. 86, 110)). At least we should permit evidence of its meaning.

"Instead of deciding this question of cession, the Court relies upon the need for the United States to control the area seaward of low water because of its international responsibilities. It reasons that full dominion over the resources follows this paramount responsibility, and it refers to the California discussion of the point (332 U. S. at 35). But the argument based on international responsibilities prevailed in the California case because the marginal sea area was staked out by the United States. The argument cannot reasonably be extended to Texas without holding that Texas ceded that area to the United States.

"The necessity for the United States to defend the land and to handle international affairs is not enough to transfer property rights in the marginal sea from Texas to the United States. Federal sovereignty is paramount within national boundaries, but Federal ownership depends on taking possession, as the California case holds; on consent, as in the case of places for Federal use; or on purchase, as in the case of Alaska or the Territory of Louisiana. The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory. In my view, Texas owned the marginal area by virtue of its original proprietorship; it has not been shown to my satisfaction that it lost it by the terms of the Resolution of Annexation.

"I would deny the United States motion for judgment."

Mr. Justice Frankfurter:

"Time has not made the reasoning of *United States* v. *California* (332 U. S. 19), more persuasive but the issue there decided is no longer open for me. It is relevant, however, to note that in rejecting California's claim of ownership in the off-shore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.[13]

"I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle."

Mr. O'MAHONEY. Mr. President, will the Senator from Wisconsin yield further?

Mr. McCARTHY. I am glad to yield to the Senator.

Mr. O'MAHONEY. It has been suggested to me by the Senator from Oregon, and I think it a very pertinent and excellent suggestion, that I ought to amend the request so as to have published also the decision in the California case, which involves the same question, and which was decided some time ago.

The PRESIDING OFFICER. Is there objection?

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—No. 12, ORIGINAL—OCTOBER TERM, 1946—UNITED STATES OF AMERICA, PLAINTIFF, *v.* STATE OF CALIFORNIA—ORIGINAL

(June 23, 1947)

Mr. Justice Black delivered the opinion of the Court:

"The United States by its Attorney General and Solicitor General brought this suit against the State of California invoking our original jurisdiction under article III, sec. 2, of the Constitution which provides that 'In all cases * * * in which a State shall be a party, the Supreme Court shall have original jurisdiction.' The complaint alleges that the United States 'is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low water mark on the coast of California and outside of the inland waters of the State, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California.' It is further alleged that California, acting pursuant to State statutes, but without authority from the United States, has negotiated and executed numerous leases with persons and corporations purporting to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits, and that the lessees have done so, paying to California large sums of money in rents and royalties for the petroleum products taken. The prayer is for a decree declaring the rights of the United States in the area as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

"California has filed an answer to the complaint. It admits that persons holding leases from California, or those claiming under it, have been extracting petroleum products from the land under the 3-mile ocean belt immediately adjacent to California. The basis of California's asserted ownership is that a belt extending three English miles from low-water mark lies within the original boundaries of the State (Cal. Const. art. XII (1849);[1] that the Original Thirteen States acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas; and that since California was admitted as a State on an "equal footing" with the original States, California at that time became vested with title to all such lands. The answer further sets up several "affirmative" defenses. Among these are that California should be adjudged to have title under a doctrine of prescription; because of an alleged long-existing congressional policy of acquiescence in California's asserted ownership; because of estoppel or laches; and, finally, by application of the rule of res judicata.[2]

"After California's answer was filed, the United States moved for judgment as prayed for in the complaint on the ground that the purported defenses were not sufficient in law. The legal issues thus raised have been exhaustively presented by counsel for the parties, both by brief and oral argument. Neither has suggested any necessity for the introduction of evidence, and we perceive no such necessity at this stage of the case. It is now ripe for determination of the basic legal issues presented by the motion. But before reaching the merits of these issues, we must first consider questions raised in California's brief and oral argument concerning the Government's right to an adjudication of its claim in this proceeding.

"1. It is contended that the pleadings present no case or controversy under article III, section 2, of the Constitution. The contention rests in the first place on an argument that there is no case or controversy in a legal sense, but only a difference of opinion between Federal and State officials. It is

[12] See the statement in the Court's opinion as to the chapters of Texas history.

[13] The decree proposed by the United States read in part: "1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights *of proprietorship* in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean." The italicized words were omitted in the Court's decree (332 U. S. 804, 805).

[1] The Government complaint claims an area extending 3 nautical miles from shore; the California boundary purports to extend 3 English miles. One nautical mile equals 1.15 English miles, so there is a difference of 0.45 of an English mile between the boundary of the area claimed by the Government, and the boundary of California. See Cal. Const., art. XXI, sec. 1 (1879).

[2] The claim of res judicata rests on the following contention. The United States sued in ejectment for certain lands situated in San Francisco Bay. The defendant held the lands under a grant from California. This Court decided that the State grant was valid because the land under the bay had passed to the State upon its admission to the Union. *United States* v. *Mission Rock Co.* (189 U. S. 391). There may be other reasons why the judgment in that case does not bar this litigation; but it is a sufficient reason that this case involves land under the open sea, and not land under the inland waters of San Francisco Bay.

true that there is a difference of opinion beween Federal and State officers. But there is far more than that. The point of difference is as to who owns, or has paramount rights in and power over several thousand square miles of land under the ocean off the coast of California. The difference involves the conflicting claims of Federal and State officials as to which Government, State or Federal, has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land, much of which has already been, and more of which is about to be, taken by or under authority of the State. Such concrete conflicts as these constitute a controversy in the classic legal sense, and are the very kind of differences which can only be settled by agreement, arbitration, force, or judicial action. The case principally relied upon by California, *United States* v. *West Virginia*, 295 U. S. 463, does not support its contention. For here there is a claim by the United States, admitted by California, that California has invaded the title or paramount right asserted by the United States to a large area of land and that California has converted to its own use oil which was extracted from that land. Cf. *United States* v. *West Virginia*, supra, 471. This alone would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III. The justiciability of this controversy rests therefore on conflicting claims of alleged invasions of interests in property and on conflicting claims of governmental powers to authorize its use. *United States* v. *Texas* (143 U. S. 621, 646, 648); *United States* v. *Minnesota* (270 U. S. 181, 194); *Nebraska* v. *Wyoming* (325 U. S. 589, 608).

"Nor can we sustain that phase of the State's contention as to the absence of a case or controversy resting on the argument that it is impossible to identify the subject matter of the suit so as to render a proper decree. The land claimed by the Government, it is said, has not been sufficiently described in the complaint since the only shoreward boundary of some segments of the marginal belt is the line between that belt and the State's inland waters. And the Government includes in the term 'inland waters' ports, harbors, bays, rivers, and lakes. Pointing out the numerous difficulties in fixing the point where these inland waters end and the marginal sea begins, the State argues that the pleadings are therefore wholly devoid of a basis for a definite decree, the kind of decree essential to disposition of a case like this. Therefore, California concludes, all that is prayed for is an abstract declaration of rights concerning an unidentified 3-mile belt, which could only be used as a basis for subsequent actions in which specific relief could be granted as to particular localities.

"We may assume that location of the exact coastal line will involve many complexities and difficulties. But that does not make this any the less a justiciable controversy. Certainly demarcation of the boundary is not an impossibility. Despite difficulties this Court has previously adjudicated controversies concerning submerged land boundaries. See *New Jersey* v. *Delaware* (291 U. S. 361, 295 U. S. 694); *Borax Ltd.* v. *Los Angeles* (296 U. S. 10, 21–27); *Oklahoma* v. *Texas* (256 U. S. 70, 602). And there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. *Oklahoma* v. *Texas* (258 U. S. 574, 582). Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. See e. g. *Oklahoma* v. *Texas* (256 U. S. 608–609; 260 U. S. 606, 625, 261 U. S. 340). California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by article III of the Constitution.

"2. It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard Government rights and properties.[3] The argument is that Congress has for a long period of years acted in such a way as to manifest a clear policy to the effect that the States, not the Federal Government, have legal title to the land under the 3-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

"An act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For article IV, section 3, clause 2 of the Constitution vests in Congress 'power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' We have said that the constitutional power of Congress in this respect is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29–30). Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

"But no act of Congress has amended the statutes which impose on the Attorney General the authority and the duty to protect the Government's interest through the courts. See *In re Cooper* (143 U. S. 472, 502–503). That Congress twice failed to grant the Attorney General specific authority to file suit against California[4] is not a sufficient basis upon which to rest a restriction of the Attorney General's statutory authority. And no more can we reach such a conclusion because both Houses of Congress passed a joint resolution quitclaiming to the adjacent States a 3-mile belt of all land situated under the ocean beyond the low-water mark, except those which the Government had previously acquired by purchase, condemnation, or donation.[5] This joint resolution was vetoed by the President.[6] His veto was sustained.[7] Plainly, the resolution does not represent an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2.

"Neither the matters to which we have specifically referred, nor any others relied on by California, afford support for a holding that Congress has either explicitly or by implication stripped the Attorney General of his statutorily granted power to invoke our jurisdiction in this Federal-State controversy. This bring us to the merits of the case.

"3. The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquility of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreements will be made concerning the control and use of the marginal sea and the land under it. See *McCulloch* v. *Maryland* (4 Wheat 316, 403–408); *United States* v. *Minnesota* (270 U. S. 181, 194). In the light of the foregoing, our question is whether the State or the Federal Government has the paramount right and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the oil and other resources of the soil of the marginal sea, known or hereafter discovered, may be exploited.

"California claims that it owns the resources of the soil under the 3-mile marginal belt as an incident to those elements of sovereignty which it exercises in that water area. The State points out that its original Constitution, adopted in 1849 before that State was admitted to the Union, included within the State's boundary the water area extending 3 English miles from the shore. (Cal. Const. (1849) art. XXII, sec. 1); that the Enabling Act which admitted California to the Union ratified the territorial boundary thus defined; and that California was admitted 'on an equal footing with the original States in all respects whatever' (9 Stat. 452). With these premises admitted, California contends that its ownership follows from the rule originally announced in *Pollard's Lessee* v. *Hogan* (3 How. 212); see also *Martin* v. *Waddell* (16 Pet. 367, 410). In the Pollard case it was held, in effect, that the original States owned in trust for their people the navigable tidewaters between high and low water mark within each State's boundaries, and the soil under them, as an inseparable attribute of State sovereignty. Consequently, it was decided that Alabama, because admitted into the Union on 'an equal footing' with the other States, had thereby become the owner of the tidelands within its boundaries. Thus the title of Alabama's tidelands grantee was sustained as valid against that of a claimant holding under a United States grant made subsequent to Alabama's admission as a State.

"The Government does not deny that under the Pollard rule, as explained in later

[3] 5 U. S. C. secs. 291, 309; *United States* v. *San Jacinto Tin Co.* (125 U. S. 273, 279, 284); *Kern River Co.* v. *United States* (257 U. S. 147, 154–155); *Sanitary District* v. *United States* (266 U. S. 405, 425–426); see also *In re Debs* (158 U. S. 564, 584); *United States* v. *Oregon* (295 U. S. 1, 24); *United States* v. *Wyoming* (323 U. S. 669, 331 U. S. —).

[4] S. J. Res. 208, 75th Cong., 1st sess. (1938); S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). S. J. Res. 208 passed the Senate, 81 CONGRESSIONAL RECORD 9326 (1938), was favorably reported by the House Judiciary Committee, H. Rept. 2378, 75th Cong., 3d sess. (1938), but was never acted on in the House. Hearings were held on S. J. Res. 83 and 92 before the Senate Committee on Public Lands and Surveys, but no further action was taken. Hearings before the Senate Committee on Public Lands and Surveys on S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). In both hearings objections to the resolutions were repeatedly made on the ground that passage of the resolutions was unnecessary since the Attorney General already had statutory authority to institute the proceedings. See hearings before the House Committee on the Judiciary on S. J. Res. 208, 75th Cong., 3d sess., 42–45, 59–61 (1938); hearings on S. J. Res. 83 and 92, supra, 27–30.

[5] H. J. Res. 225, 79th Cong., 2d sess. (1946); 92 CONGRESSIONAL RECORD 9642, 10316 (1946).

[6] 92 CONGRESSIONAL RECORD 10660 (1946).

[7] 92 CONGRESSIONAL RECORD 10745 (1946).

cases,[8] California has a qualified ownership [9] of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark. It does question the validity of the rationale in the Pollard case that ownership of such water areas, any more than ownership of uplands, is a necessary incident of the State sovereignty contemplated by the 'equal footing' clause. Cf. *United States* v. *Oregon* (295 U. S. 1, 14). For this reason, among others, it argues that the Pollard rule should not be extended so as to apply to lands under the ocean. It stresses that the Thirteen Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty. And the Government insists that no previous case in this Court has involved or decided conflicting claims of a State and the Federal Government to the 3-mile belt in a way which requires our extension of the Pollard inland water rule to the ocean area.

"It would unduly prolong our opinion to discuss in detail the multitude of references to which the able briefs of the parties have cited us with reference to the evolution of powers over marginal seas exercised by adjacent countries. From all the wealth of material supplied, however, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it,[10] even if they did acquire elements of the sovereignty of the English Crown by their revolution against it. Cf. *United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304, 316).

"At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas.[11] But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion.[12] Neither the English charters granted to this Nation's settlers,[13] nor the treaty of peace with England,[14] nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership.[15] Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

"It did happen that shortly after we became a nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality.[16] Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world,[17] although as late as 1876 there was still considerable doubt in England about its scope and even its existence. See *The Queen* v. *Keyn* (L. R. 2 Exch. Div. 63). That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact. *Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122–124).[18] And this assertion of national dominion over the 3-mile belt is binding upon this Court. (See *Jones* v. *United States* (137 U. S. 202, 212–214); *In re Cooper* (143 U. S. 472, 502–503).

"Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government, but protection and control of it has been and is a function of national external sovereignty. See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502). The belief that local interests are so predominant as constitutionally to require State dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country throughout its existence has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. See *Hines* v. *Davidowitz* (312 U. S. 52, 62–64); *McCulloch* v. *Maryland*, supra. The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it,[19] is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean is a subject upon which the Nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

"The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual State, so, if wars come, they must be fought by the Nation. See *Chy Lung* v. *Freeman* (92 U. S. 275, 279). The

[8] See e. g., *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); *The Abby Dodge* (223 U. S. 166). See also *United States* v. *Mission Rock Co.* (189 U. S. 391); *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10). Although the Pollard case has been thus generally approved many times, the case of *Shively* v. *Bowlby* (152 U. S. 1, 47–48, 58), held, contrary to implications of the Pollard opinion, that the United States could lawfully dispose of tidelands while holding a future State's land "in trust" as a territory.

[9] See *United States* v. *Commodore Park* (324 U. S. 386, 390, 391); *Scranton* v. *Wheeler* (179 U. S. 141, 159, 160, 163); *Stockton* v. *Baltimore & N. Y. R. Co.* (32 F. 9, 20); see also *United States v. Chandler-Dunbar Co.* (229 U. S. 53).

[10] A representative collection of official documents and scholarship on the subject is Crocker, the Extent of the Marginal Sea (1919). See also I Azuni, Maritime Law of Europe (published 1806) chapter II; Fulton, Sovereignty of the Sea (1911); Masterson, Jurisdiction in Marginal Seas (1929); Jessup, the Law of Territorial Waters and Maritime Jurisdiction (1927); Fraser, the Extent and Delimitation of Territorial Waters (11 Corn. L. Q. 455 (1926)); Ireland, Marginal Seas Around the States (2 La. L. Rev. 252, 436 (1940)); Comment, Conflicting State and Federal Claims of Title in Submerged Lands of the Continental Shelf (56 Yale L. J. 356 (1947)).

[11] See, e. g., Fulton, op. cit., supra, 3–19, 144–145; Jessup, op. cit., supra, 4.

[12] Fulton, *op. cit. supra*, 21, says in fact that "mainly through the action and practice of the United States of America and Great Britain since the end of the eighteenth century, the distance of 3 miles from shore was more or less formally adopted by most maritime States as * * * more definitely fixing the limits of their jurisdiction and rights for various purposes, and, in particular, for exclusive fishery."

[13] Collected in Thorpe, American Charters, Constitutions, and Organic Laws (1919).

[14] Treaty of 1783, 8 Stat. 80.

[15] The Continental Congress did for example authorize capture of neutral and even American ships carrying British goods, "if found within 3 leagues (about 9 miles) of the coasts." Journal of Congress, 185, 186, 187 (1781). Cf. Declaration of Panama of 1939, 1 Department of State Bulletin 321 (1939), claiming the right of the American Republics to be free from a hostile act in a zone 300 miles from the American coasts.

[16] Secretary of State Jefferson in a note to the British Minister in 1793 pointed to the nebulous character of a nation's assertions of territorial rights in the marginal belt, and put forward the first official American claim for a 3-mile zone which has since won general international acceptance. Reprinted in H. Ex. Doc. No. 324, 42d Cong., 2d sess. (1872) 553–554. See also Secretary Jefferson's note to the French Minister, Genet, reprinted American State Papers, I Foreign Relations (1833), 183, 384; act of June 5, 1794, 1 Stat. 381; 1 Kent, Commentaries, 14th ed., 33–40.

[17] See Jessup, op. cit. supra, 66; *Research in International Law* (23 A. J. I. L. 249, 250 (Spec. supp. 1929)).

[18] See also *Chruch* v. *Hubbart* (2 Cranch 187, 234). Congressional assertion of a territorial zone in the sea appears in statutes regulating seals, fishing, pollution of waters, etc. (36 Stat. 325, 328; 43 Stat. 604, 605; 37 Stat. 499, 501). Under the National Prohibition Act territory including a marginal belt of the sea extending from low-water mark outward a marine league, or 3 geographical miles constituting the territorial waters of the United States was regulated (41 Stat. 305). Reprinted in *Research in International Law*, supra (250). Antismuggling treaties in which foreign nations agreed to permit the United States to pursue smugglers beyond the 3-mile limit contained express stipulations that generally the 3-mile limit constitutes the proper limits of territorial waters.. See, e. g., 43 Stat. 1761 (pt. 2). There are innumerable Executive declarations to the world of our national claims to the 3-mile belt, and more recently to the whole Continental Shelf. For references to diplomatic correspondence making these assertions, see 1 Moore, International Law Digest ((1906) 705, 706, 707); 1 Wharton, Digest of International Law ((1886) 100). See also Hughes, Recent Questions and Negotiations (18 A. J. I. L. 229 (1924)). The latest and broadest claim is President Truman's recent proclamation that the United States regards the natural resources of the subsoil and sea bed of the Continental Shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control (Exec. proc. 2667, September 28, 1945, 10 F. R. 12303).

[19] See *Lord* v. *Steamship Co.* (102 U. S. 541, 544).

State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries,[20] these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. Cf. *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).

"As previously stated this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

"There are three such cases whose language probably lend more weight to California's argument than any others. The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there. The second case, *Louisiana* v. *Mississippi* (202 U. S. 1, 52), uses language about 'the sway of the riparian States' over 'maritime belts.' That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State Governments. And the Court there specifically laid aside questions concerning 'the breadth of the maritime belt or the extent of the sway of the riparian States' (Id at 52). The third case is *The Abby Dodge* (223 U. S. 166). That was an action against a ship landing sponges at a Florida port in violation of an act of Congress (34 Stat. 313), which made it unlawful to 'land' sponges taken under certain conditions from the waters of the Gulf of Mexico. This Court construed the statute's prohibition as applying only to sponges outside the State's territorial limits in the Gulf. It thus narrowed the scope of the statute because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the 3-mile belt. But the opinion in that case was concerned with the State's power to regulate and conserve within its territorial waters, not with its exercise of the right to use and deplete resources which might be of national and international importance. And there was no argument there, nor did the Court decide, whether the Federal Government owned or had paramount rights in the soil under the Gulf waters. That this question remained undecided is evidenced by *Skiriotes* v. *Florida* (313 U. S. 69, 75), where we had occasion to speak of Florida's power over sponge fishing in its territorial waters. Through Mr. Chief Justice Hughes we said: 'It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State.'

"None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only, became of great potential importance at the beginning of this century when oil was discovered there.[21] As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This State statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this State-Federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under the water area, including oil.

"4. Nor can we agree with California that the Federal Government's paramount rights have been lost by reason of the conduct of its agents. The State sets up such a defense, arguing that by this conduct the Government is barred from enforcing its rights by reason of principles similar to laches, estoppel, adverse possession. It would serve no useful purpose to recite the incidents in detail upon which the State relies for these defenses. Some of them are undoubtedly consistent with a belief on the part of some Government agents at the time that California owned all, or at least a part of the 3-mile belt. This belief was indicated in the substantial number of instances in which the Government acquired title from the States to lands located in the belt; some decisions of the Department of Interior have denied applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the lands. Outside of court decisions following the Pollard rule, the foregoing are the types of conduct most nearly indicative of waiver upon which the State relies to show that the Government has lost its paramount rights in the belt. Assuming that Government agents could by conduct, short of a congressional surrender of title or interest, preclude the Government from asserting its legal rights, we cannot say it has done so here. As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt. And even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.[22]

"We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. (See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32).)

"We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court."

It is so ordered.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Justice Reed, dissenting:

"In my view the controversy brought before this Court by the complaint of the United States against California seeks a judgment between State and Nation as to the ownership of the land underlying the Pacific Ocean, seaward of the ordinary low-water mark, on the coast of California and within the 3-mile limit. The ownership of that land carries with it, it seems to me, the ownership of any minerals or other valuables in the soil, as well as the right to extract them.

"The determination as to the ownership of the land in controversy turns for me on the fact as to ownership in the original thirteen States of similar lands prior to the formation of the Union. If the original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The original States were sovereignties in their own right, possessed of so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by

[20] See *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 404); cf. *The Abby Dodge* (223 U. S. 166) with *Skiriotes* v. *Florida* (313 U. S. 69, 74–75).

[21] Bull. No. 321, Department of the Interior, Geological Survey.

[22] *United States* v. *San Francisco* (310 U. S. 16, 21–32); *Utah* v. *United States* (284 U. S. 534, 545, 546); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32); *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 409). See also *Sec'y of State for India* v. *Chelikani Rama Rao, L. R.* (43 Indian App. 192, 204 (1916)).

existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union 'on an equal footing with the original States in all respects whatever' (9 Stat. 452). By section 3 of the Act of Admission, the public lands within its borders were reserved for disposition by the United States. 'Public lands' was there used in its usual sense of lands subject to sale under general laws. As was the rule, title to lands under navigable waters vested in California as it had done in all other States. (*Pollard* v. *Hagan* (3 How. 212); *Barney* v. *Keokuk* (94 U. S. 324, 338); *Shively* v. *Bowlby* (152 U. S. 1, 49); *Mann* v. *Tacoma Land Co.* (153 U. S. 273, 284); *Borax Consolidated, Ltd.* v. *Los Angeles* (296 U. S. 10, 17).)

"The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit. There were, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction, or ownership among the nations of the world. As early as 1793, Jefferson, as Secretary of State, in a communication to the British Minister said that the territorial protection of the United States would be extended 'three geographical miles' and added:

" 'This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts' (H. Ex. Doc. No. 324, 42d Cong., 2d sess., pp. 553–554).

"If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

"This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, State ownership has been assumed (*Pollard* v. *Hagen*, supra; *Louisiana* v. *Mississippi* (202 U. S. 1, 52); *The Abby Dodge* (223 U. S. 166); *New Jersey* v. *Delaware* (291 U. S. 361; 295 U. S. 694))."

Mr. Justice Frankfurter, dissenting:

"By this original bill, the United States prayed for a decree enjoining all persons, including those asserting a claim derived from the State of California, from trespassing upon the disputed area. An injunction against trespassers normally presupposes property rights. The Court, however, grants the prayer but does not do so by finding that the United States has proprietary interests in the area. To be sure it denies such proprietary rights in California. But even if we assume an absence of ownership or possessory interest on the part of California, that does not establish a proprietary interest in the United States. It is significent that the Court does not adopt the Government's elaborate argument, based on dubious and tenuous writings of publicists, that this part of the open sea belongs, in a proprietary sense, to the United States. (See Schwarzenberger, Inductive Approach to International Law (60 Harv. L. Rev. 539, 559)). Instead, the Court finds trespass against the United States on the basis of what it calls the "national domination" by the United States over this area.

"To speak of 'dominion' carries precisely those overtones in the law which relate to property and not to political authority. Dominion, from the Roman concept dominium, was concerned with property and ownership, as against imperium, which related to political sovereignty. One may choose to say, for example, that the United States has national dominion over navigable streams. But the power to regulate commerce over these streams, and its continued exercise, do not change the imperium of the United States into dominium over the land below the waters. Of course the United States has paramount rights in the sea belt of California—the rights that are implied by the power to regulate interstate and foreign commerce, the power of condemnation, the treaty-making power, the war power. We have not now before us the validity of the exercise of any of these paramount rights. Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

"The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be, in determining questions of trespass to the land of which they form a part. This is not a situation where an exercise of national power is actively and presently interferred with. In such a case, the inherent power of a Federal court of equity may be invoked to prevent or remove the obstruction (*In re Debs*, 158 U. S. 564; *Sanitary District* v. *United States*, 266 U. S. 405). Neither the bill, nor the opinion sustaining it, suggests that there is interference by California or the alleged trespassers with any authority which the Government presently seeks to exercise. It is beside the point to say that "if wars come, they must be fought by the Nation." Nor is it relevant that "the very oil about which the State and Nation here contend might well become the subject of international dispute and settlement." It is common knowledge that uranium has become "the subject of international dispute" with a view to settlement. Compare *Missouri* v. *Holland* (252 U. S. 416).

"To declare that the Government has national dominion is merely a way of saying that vis-a-vis all other nations the Government is the sovereign. If that is what the Court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

"Let us assume, for the present, that ownership by California cannot be proven. On a fair analysis of all the evidence bearing on ownership, then, this area is, I believe, to be deemed unclaimed land, and the determination to claim it on the part of the United States is a political decision not for this Court. The Constitution places vast authority for the conduct of foreign relations in the independent hands of the President. See *United States* v. *Curtiss-Wright Corp.*, (299 U. S. 304). It is noteworthy that the Court does not treat the President's proclamation in regard to the disputed area as an assertion of ownership. If California is found to have no title, and this area is regarded as unclaimed land, I have no doubt that the President and the Congress between them could make it part of the national domain and thereby bring it under article IV, section 3 of the Constitution. The disposition of the area, the rights to be created in it, the rights heretofore claimed in it through usage that might be respected though it fall short of prescription, all raise appropriate questions of policy, questions of accommodation, for the determination of which Congress and not this Court is the appropriate agency.

"Today this Court has decided that a new application even in the old field of torts should not be made by adjudication, where Congress has refrained from acting. *United States* v. *Standard Oil Co.* (330 U. S.—). Considerations of judicial self-restraint would seem to me far more compelling where there are obviously at stake claims that involve so many far-reaching, complicated, historic interests, the proper adjustments of which are not readily resolved by the materials and methods to which this Court is confined.

"This is a summary statement of views which it would serve no purpose to elaborate. I think that the bill should be dismissed without prejudice."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 274. An act for the relief of Constantin E. Aramescu;

S. 356. An act for the relief of Hugo Geiger;

S. 404. An act for the relief of Emma L. Jackson;

S. 764. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Forest Lumber Co.;

S. 765. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Algoma Lumber Co. and its successors in interest, George R. Birkelund and Charles E. Siddall, of Chicago, Ill., and Kenyon T. Fay, of Los Angeles, Calif., trustees of the Algoma Lumber Liquidation Trust;

S. 766. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Lamm Lumber Co.;

S. 947. An act for the relief of the Baggett Transportation Co., Inc.;

S. 977. An act for the relief of Jacques Yedid, Henriette Yedid, and Ethel Danielle Yedid;

S. 1146. An act for the relief of Francis W. Dodge;

S. 1423. An act for the relief of Alex Morningstar;

S. 1510. An act for the relief of James I. Bartley;

S. 1693. An act for the relief of Karin Margareta Hellen and Olof Christer Hellen;

S. 1798. An act for the relief of Mrs. Minda Moore;

S. 1856. An act for the relief of Sisters Maria Rita Rossi, Maria Domenica Paone, Rachele Orlando, Assunta Roselli, Rosa Innocenti, and Maria Mancinelli;

S. 1863. An act for the relief of Fremont Rider;

S. 1929. An act for the relief of Anna Samudovsky;

S. 2070. An act for the relief of the Clark Funeral Home;

S. 2108. An act for the relief of Italo Vespa de Chellis;

S. 2156. An act for the relief of Sister Edeltrudis Clara Weskamp;

S. 2338. An act for the relief of J. M. Arthur;

S. 2339. An act for the relief of the Davis Grocery Co., of Oneida, Tenn.;

S. 2385. An act for the relief of Edward C. Ritche;

S. 2611. An act for the relief of Roland Roger Alfred Boccia, also known as Roland Barbera;

S. 2646. An act for the relief of the Articaire Refrigeration Co.; and

[Mr. THYE], was reported unanimously by the Committee on Banking and Currency.

Mr. WHERRY. Mr. President, I shall object to taking up any further bills tonight. If it is on the calendar it will come up when the calendar is called on Thursday.

ADJOURNMENT

Mr. LUCAS. I move that the Senate adjourn until 12 o'clock noon today.

The motion was agreed to; and on Wednesday, June 7, 1950 (at 12 o'clock and 55 minutes a. m.), the Senate adjourned until 12 o'clock meridian the same day.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6 (legislative day of March 29), 1950:

DEPARTMENT OF THE AIR FORCE

John A. McCone to be Under Secretary of the Air Force.

DEPARTMENT OF THE INTERIOR

Dale E. Doty to be Assistant Secretary of the Interior.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 6, 1950

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou blessed and eternal God, who art here and everywhere, grant that we may sense Thy presence in the many and varied experiences of our human way.

We rejoice that Thou art near us with Thy sustaining grace in all our cares and concerns, our duties and responsibilities, our joys and sorrows, our trials and tribulations, our fears and struggles, our hopes and longings.

May we always be sensitive and responsive to the promptings and persuasions of Thy spirit, seeking to fortify us against every temptation that would undermine our character, strengthening our souls with a deeper faith, enlarging our hearts with a greater love, and renewing our minds with a more radiant hope.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE TIDELANDS OIL CASES

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALLEN of Illinois. Mr. Speaker, yesterday, by the close vote of 4 to 3, the Supreme Court gave the Federal Government paramount rights to the Texas oil tidelands. The Louisiana case was decided in favor of the Government by a 6-to-0 vote of the Supreme Court.

For approximately a century the State of Texas—and I believe the same to be true of the State of Louisiana—has been granting oil leases to private companies. Until the California case in 1947 the oil royalties were used for a much-needed school program. Since 1947 these royalties have been put in a special fund pending legislation by Congress. Twice this body has voted to let the States retain these rights. Once the other body has done likewise. President Truman vetoed the bill and the deadlock continues.

My purpose in bringing this decision to the attention of the House is twofold. First, by a 4-to-3 decision the Supreme Court holds contrary to the will of the Congress of the United States. Secondly, this is just another example of the Government stepping in and confiscating private property, the private property in this case belonging to the citizens of the States of Texas and Louisiana.

About 10 days ago I received information showing that the State governments owe more than at any time in history. We must admit that each year the Federal Government comes forth with some idea of taxation which prohibits the various States from taxing their people in order to carry on their functions of government. This matter should have the attention of all of us, otherwise Federal bureaucracy will continue to become more powerful, the rights of States lessened. Eventually it will mean the States will not be able to function—that the Federal Government will be the complete overlord.

The only redeeming feature is that after the California decision the Justice Department announced that an agreement had been made with the State to let private oil companies operate under State leases. I trust that they will make the same agreement with the States of Texas and Louisiana, thus letting those States retain the royalties for much-needed school purposes.

ELECTION OF CHAIRMAN OF COMMITTEE ON EDUCATION AND LABOR

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution (H. Res. 630) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That GRAHAM A. BARDEN, of North Carolina, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE TEXAS TIDELANDS THEFT

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUCAS. Mr. Speaker, yesterday will go down in history as infamous. A shameful decision of the Supreme Court wrested from Texas a portion of her public lands which had been hers since before she voluntarily became a State. Until only a few years ago, no one ever dreamed that lands within the borders of Texas could belong to the Federal Government; but some power-mad bureaucrats in the Interior Department conceived the idea that all natural resources, wherever located, should belong to the Federal Government, and as a step toward taking them, the tidelands of the seas were claimed. Now the Supreme Court, by a disgraceful 4-to-3 vote, steals from Texas her very birthright.

Let no man from another State be fooled. This is not simply a Texas decision. It is part of a design, a scheme, which in the end will rob every State of jurisdiction over every form of natural resource within its borders. In this instance Texas loses its rich tidelands, which have been a part of Texas' public domain since its war of independence. The next step will be against another State, for it will be done piecemeal. Look at what has occurred: The Federal Government now controls virtually all the water power in the United States; the rights of the States have long since ceased to be regarded as valid by the Federal Power Commission. The Federal Power Commission will soon regulate all sales of natural gas. That is apparent in the veto of the Kerr bill. There are moves on foot to nationalize the coal fields.

Hydroelectric power, gas, coal, and now a large portion of the oil of the Nation. Can you not see where we are heading? The Socialist dream is coming true. All natural resources belong to the people, and only the superior wisdom of Washington bureaucrats can administer them. This decision is socialism rampant.

After natural resources, then what? None of us is so blind that he cannot see the inevitable consequences.

This Congress can repudiate such a detestable decision. It not only can but it must. Let those of us who represent people who still believe in independence and freedom, and not socialism and nationalism, take immediate action to restore to the States that which the Supreme Court has stolen.

PERMISSION TO ADDRESS THE HOUSE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Mr. FLOOD addressed the House. His remarks appear in the Appendix.]

SUPREME COURT DECISIONS

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOSSETT. Mr. Speaker, yesterday might well be called black Monday. Yesterday's Supreme Court decisions in the Tideland cases, the Sweatt case, the Henderson case, and the McLaurin case,

something about it. We must act now before more innocent lives are lost.

SUPREME COURT OF THE UNITED STATES DESTROYING PEACEFUL RELATIONSHIPS EXISTING BETWEEN WHITES AND NEGROES IN THE SOUTHERN STATES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, when the Supreme Court of the United States went off at a tangent a few days ago and rendered its decisions outlawing segregation in certain southern colleges and on pullman and railway dining cars, it did the Negroes of the South more harm than anything else that has been done since the War Between the States.

It did more to destroy the peaceful relationships between the whites and the Negroes in the Southern States than anything else that could possibly have been done at this time, and will probably result in vast numbers of those Negroes leaving their present homes and crowding into the cities of the North.

The millions of hard-working, law-abiding Negroes of the South must depend for their happiness, their homes, and their prosperity upon the peaceful relationships, the good will, if you please, existing between them and the white people among whom they live.

It reminds me of the earnest prayer of the good old Negro who said: "O God, bless us Negroes, and protect us from our pretended friends."

PERMISSION TO ADDRESS THE HOUSE

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. McSWEENEY addressed the House. His remarks appear in the Appendix.]

SUPREME COURT DECISION IN THE TIDELAND CASES

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, the decision of the Supreme Court Monday in the Tidelands cases—wrestling from the State of Texas a portion of her public lands—carrying out the policy of this administration in its grab for more and more power for centralization of Government in Washington, is a threat to all States and to all of the people of the Nation.

It is an extension of its present policy to extend greater bureaucratic control over all of the natural resources of our country. It is a move to further plunder and rob the States of their rights guaranteed them under the Constitution.

Mr. Speaker, unless checked by the power of the Congress of the United States, this dictatorial and socialistic extension of power will eventually take over the coal-mining industry, the great railroad-transportation systems, and doubtless the steel industry of the Nation.

The Federal Government has extended this power and control over practically all of the water power of the United States, and the Federal Power Commission has taken over control and usurped much of the power of the States.

The Federal Power Commission is now reaching out for control of all sales of natural gas. The decision of the Supreme Court, following out the policies of this administration that all natural resources belong to the people, is rapidly making their socialistic dream come true.

There is only one body left in our Government that can stop such gigantic moves which so greatly accelerate our headlong rush into the socialized state. That department of Government is the Congress of the United States.

Those who wrote the Constitution were fearful of the power of the executive department, and for that reason gave Congress the power to protect the rights of the people of the several States. By giving the Congress this power they expected it to use it with resolute determination.

It is time for Congress to act and carry out the mandate given it in the Constitution to protect the rights and liberties of the people.

COMMITTEE ON ARMED SERVICES

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Saturday to file a conference report on the bill, S. 2440, and the bill, H. R. 1437, to authorize the composition of the Army of the United States and the Air Force of the United States, and for other purposes.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include certain letters.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extent my remarks and include a report by George Gallup, director of the American Institute of Public Opinion, the Gallup poll.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. SMITH of Wisconsin addressed the House. His remarks appear in the Appendix.]

EQUAL RIGHTS

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BIEMILLER. Mr. Speaker, it is a little difficult for me to understand how anyone can interpret the decisions of the Supreme Court which clearly define certain civil rights of our citizens originally guaranteed by the Constitution as doing harm to any group in our population. Personally, I was very pleased to see the Supreme Court decisions of Monday which did definitely guarantee to minority groups in our population full protection under the preamble, the body, and the amendments to the Constitution of the United States. Likewise, I think those decisions were rendered in the spirit that all of us have always been taught to believe is the basic principle of our country—the immortal words of the Declaration of Independence that all men are created free and equal. I for one do not believe those words were ever intended to refer to just some of the population of this country.

AIR TRAGEDIES FROM PUERTO RICO

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I was shocked to read in the press yesterday the accounts of another plane going down in the Atlantic, a plane coming from Puerto Rico to the United States. Last year we had a similar tragedy causing the loss of the lives of 53 Puerto Ricans. It is estimated that about 28 people were lost in this accident yesterday.

Last year I asked for a full and thorough investigation; and, although I received promises that there would be certain regulations as to safety, those promises have not been kept.

Last year 53 people were jammed in an overloaded plane which crashed. No lesson was learned by our authorities or by the insular government. The other day 65 persons were squeezed into this plane which fell into the Atlantic Ocean. Puerto Rican workers are being herded into these planes as though they were cattle. They are being brought here to work on farms and are exploited. No protection is given them by the insular government down in Puerto Rico against packing them in these planes, and no protection is given to them by the representatives of their Government up here against exploitation.

The CAF is blaming the CAB, and the CAB is blaming the CAF, but in the meantime these lives have been lost.

I have asked the Committee on Interstate and Foreign Commerce to conduct

Members of the Congress have publicly declared him to be a malicious liar, and twenty-odd Senators have done likewise, including both Senators from my own State. The senior Senator from Georgia spoke of him some time ago as a congenital liar. Just recently our junior Senator from Georgia, referring to him, said that some people might doubt the propriety of the President referring to Drew Pearson publicly as an s. o. b., but that nobody had shown the slightest inclination to question the truthfulness of what the President said.

Mr. Speaker, Drew Pearson heads a group who, for many years now, have made it their business to destroy public confidence in public officials, which confidence is the very bedrock of the continuance of a free republic.

On January 14 this year he published a scurrilous attack on Hon. J. Joseph Donahue, United States attorney, who was at that very moment engaged in prosecuting for perjury one Harry Bridges, one of the most notorious Communist leaders and Russian agents in America today.

The chief legman and stooge of Drew Pearson today is one David Katz, a former member of the staff of the Daily Worker of New York, the official publication of the Communist Party in America. I am unable to ascertain positively whether this man Katz is one of Pearson's henchmen who have been riding around my district with my opponent trying to dig up something with which to smear me or not.

Drew Pearson has consistently misrepresented, slandered, and abused every person—man or woman—who, because of love of country and constitutional liberty, have raised their voices against the spread of alien ideologies and against those who would overthrow our form of government. He has been the most effective weapon that the Stalinites have been able to use in America for the undermining of our whole constitutional system. To him there is nothing under the heavens that is sacred. He befouls and means to befoul everything he touches. He occupies the unique and unenviable position today of standing alone at the very pinnacle of all the slanderers and scandalmongers in all of American history.

ESTATE AND GIFT TAXES

Mr. CAMP. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CAMP. Mr. Speaker, I have filed this morning a report on House Joint Resolution 480, the same being a joint resolution to extend the time for the release, free of estate and gift tax, of certain powers of appointment in the case of the estate and gift taxes. The resolution provides for this extension of 1 year from June 30, 1950, to June 30, 1951.

I am making this statement because of the fact that I expect to request unanimous consent for the consideration of this resolution in the next day or so.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. CAMP. I yield.

Mr. REED of New York. That was reported out by the unanimous vote of the committee?

Mr. CAMP. It was reported by the unanimous vote of the Committee on Ways and Means. There is no objection there to it.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of inquiring as to the program for next week.

The SPEAKER pro tempore (Mr. WALTER). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I wonder if the majority leader, the gentleman from Massachusetts, will tell us the program for next week.

Mr. McCORMACK. I will be glad to.

On Monday the Consent Calendar will be called. There will be no other business that day, and no suspensions.

On Tuesday the Private Calendar will be called. Then we will take up House Resolution 635, relating to the creation of a special committee to investigate campaign expenses. This is the usual resolution adopted every 2 years. Following that will be House Resolution 323, to create a select committee to study food products.

I have bracketed Wednesday, Thursday, and Friday together. The first measure to be considered will be House Joint Resolution 334, relating to participation of the United States in certain international organizations. On last Monday we adopted the rule providing for the consideration of this joint resolution.

Following that will be a bill from the Committee on Armed Services, S. 2269, authorizing the enlistment of aliens in the Regular Army.

There is no further program for next week that I know of, with the exception, of course, that if the Committee on Rules should report out a rule on any bill, it will be programed for next week. Of course, adequate notice will be given to the leadership and to the House generally. I doubt if there will be anything, but if there is, it will not be any important bill.

Mr. HALLECK. As I understand it, there are to be no suspensions on Monday?

Mr. McCORMACK. That is correct. Of course, conference reports may be taken up at any time. We cannot tell when they will be reported.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. JUDD. Does the majority leader think it is likely there will be a return of this rent-control bill to the House in view of the rejection of it by the other body, and asking us to take another vote on it, rather than send it to conference—at least so the papers report.

Mr. McCORMACK. I am sorry, I am not in a position to advise the gentleman from Minnesota as to that. I wish I were, but I am not.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. WHITE of Idaho. I understand the Committee on Rules has granted a rule on a bill providing for certain guaranties by the Export-Import Bank on foreign investments. When will that legislation come up?

Mr. McCORMACK. That will not come up until the early part of July. That is the other part of point 4. It will probably come up on July 11—not until sometime in July and probably July 11.

SPECIAL ORDER GRANTED

Mr. ADDONIZIO asked and was given permission to address the House for 15 minutes today, following the legislative program and any special orders heretofore entered.

PERMISSION TO ADDRESS THE HOUSE

Mr. CROOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER pro tempore (Mr. WALTER). Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. CROOK addressed the House. His remarks appear in the Appendix.]

SPECIAL ORDER GRANTED

Mr. JACKSON of Washington asked and was given permission to address the House for 15 minutes today, following the legislative program and any special orders heretofore entered.

THE TIDELANDS CASE

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a statement by one of my constituents with reference to the tidelands case.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKETT. Mr. Speaker, on Monday, June 5, the Supreme Court of the United States rendered a decision in what is commonly called the tidelands case, which, in my judgment, is contrary to the law and the facts as adduced by the representative who argued that case in behalf of my own native State of Texas.

The proper officials are filing a motion for rehearing, to be considered by the Court at some future date. It is my earnest hope that the Court, upon reconsideration of the principles heretofore announced in that case, will reverse itself and establish again the rights of all States to their own dominion within their own borders. In the meantime I shall continue my efforts to secure passage of legislation through the House to quitclaim the Federal claims to the States. I hope the House will pass the bill as it has done on two previous occasions, once in the Seventy-ninth Congress which was vetoed, the other in the Eightieth Congress upon which the Senate failed to act.

One of my constituents, a native of Denmark, but who is now a citizen of my

district, has presented to me and is offering for the consideration of this Congress and the whole country his views on the propriety of the decision. His views are well worthy of consideration by every Member of this Congress and every thinking citizen, notwithstanding they were rejected by the Solicitor General when tendered to him.

The arguments of my constituent in support of his position demonstrate careful and intelligent study of the problem and a sincerity of conviction that evidence his stanch character.

The statement is as follows:

To the Honorable Members of the United States Supreme Court.

Honorable Justices of this exalted Court: Gentlemen, I have come before you, presenting this document, pleading this case as an individual.

You may dispute my legal right to do so, you may argue that you have no precedent of any individual's doing so. But, honorable gentlemen, does it take precedents to establish rights?

This case is the United States versus Texas, the United States seeking to gain control and ownership of the Texas tidelands, which I shall prove to you without doubt belongs to Texas.

Honorable Justices, gentlemen of the Court, may it please you to know that the State of Texas consists not merely of so much land and water inside certain boundaries, but it consists also of thriving industries, happy homes, fine schools financed by the revenues of the tidelands, and most of all, of the millions of loyal Texans, of which I am proud to claim to be one. When suit is entered against the State, it concerns all its citizens, every citizen is on the defensive. We are all individual stockholders in that great Commonwealth, and as individual citizens, this suit concerns any and all of us. Therefore, this suit is entered against my individual rights and interests, and I therefore have a right to appear in and before this Court in defense of those rights.

Honorable Justices, gentlemen, the decision in this case concerns not only the State of Texas and its citizens, but also all of the other States in the Union. It will have tremendous importance upon future actions.

If the United States Federal Government can claim the established title to the Texas tidelands, then, gentlemen, it can claim ownership of all other mineral resources, be they found below lakes, streams, or under State-owned property or individual homesteads. No citizen will then be secure in his long-established rights, the rights he holds under the Constitution.

May it please this Court for me to proceed with the proofs of this case; but to fully understand all the facts, a brief preliminary discussion will be in order.

The Colonies that later rebelled against tyrannic power and rules and formed this great Nation, of which we are all free and equal citizens, were settled by sturdy freedom-loving stock, the brave, hardy pioneers that faced hardship and danger, fought the savages, and conquered the wilderness, who rebelled, as all freemen will, when those in power usurped their rights.

"So when the revolution came, the people of each State became, themselves, sovereign, and in that character held and do so hold the absolute right to all their navigable waters and the soil under them for their own common use, subject only to the rights since surrendered by the Constitution to the general government."

The above statement has already been settled a long time ago by this exalted Court in the case of *Martin* v. *Waddell* (16 Pet. 367, 410), tried before the United States Supreme Court in 1842.

Honorable gentlemen of this Court, does the above ruling not show plainly that the United States Government holds no right to State lands whatever?

Then, again, this same Supreme Court made another decision favoring State ownership in 1844, in the case of *Pollard* v. *Hagan* (3 How. 212, 229), as follows:

First, "The shores of all navigable waters, and the soils under them, were not granted by the Constitution to the United States but were reserved to the States respectively."

And second, "The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States."

Honorable Justices of this Court, may it please you to scrutinize the above statements carefully. The people of the respective States did not delegate any ownership except as provided for in the Constitution to the Federal Government, but retained all such ownership to State lands themselves. May I ask you, where did the Federal Government acquire rights to title of such lands, as claimed in this suit? The above-quoted opinions state plainly that these shores and lands, etc., were not granted to the Federal Government by the Constitution, and that this provision was held to apply to all other States later admitted to the Union.

Now, gentlemen, honorable Justices, let us see what the Constitution provides:

As any child in school will know, the Constitution provides, "The powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States, respectively, or to the people." The above, honorable gentlemen, should be sufficient to prove that the Federal Government, under the Constitution, has absolutely no valid claim to any State lands, navigable streams, or submerged lands within the State boundaries, that being by the Constitution reserved to the States.

The State of Texas was settled by sturdy Anglo-Saxon stock, a race that never tolerated tyranny and oppression, a race of people that held liberty in greater value than life itself. A law-abiding race, a race of home-builders and sturdy pioneers. They tried in vain to conform to rules and laws laid down by the Governments of Spain and Mexico; they tried to be loyal. But when tyrannic rulers ignored their rights and trampled upon their individual liberties they, as their forefathers at Lexington and at Concord had done, rebelled. They gave their lives and sacrificed their all at the Alamo; they were massacred at Goliad. They fought and won at the glorious dawn of San Jacinto, and Texas was forever free. They formed the independent nation, the republic of Texas, and established its boundaries, and the independence of Texas was recognized by England, France, Holland, and Belgium. And also by the United States.

These boundaries were described as follows: "Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues (10½ miles) from shore, to the mouth of the Rio Grande, etc." The above facts were stated before the United States Senate at the time that august body adoped a resolution to recognize the republic of Texas and its boundaries, on March 2, 1837.

For 10 years Texas valiantly defended those borders, establishing beyond doubt its sovereignty.

Now, honorable Justices of this Court, the above shows conclusively that Texas won her title to her boundaries as stated above, by international law of conquest and dominion, she being first to claim dominion over the tidelands three leagues out into the Gulf. Texas has never surrendered that title to the Federal Government. May I ask you honorable gentlemen, where did the Federal Government obtain its claim for that title?

May it please the Court to know, that Texas retained the Spanish law with regard to minerals, by which all minerals found in lands within the boundaries of the republic were reserved by the republic. And, gentlemen, after joining the Union, Texas still retained that law, which plainly gives Texas ownership of all minerals under submerged lands, three leagues from shore.

The people of Texas, being mostly of Anglo-Saxon stock and having their root in the United States, desired to be annexed to the Union. A treaty was drawn up in 1844 and signed by the two sovereign nations. It defined that the United States would take over all of the public debt of Texas, in return for which Texas would surrender all of its public lands and mineral rights. The United States Senate defeated this treaty upon the grounds that the public lands of Texas consisted mostly of swamps filled with frogs and alligators and of no value at all. Strange that these lands have become so valuable at present that the Federal Government will enter suit to gain ownership to that which was offered it and which was so brusquely refused.

So it was decided to let Texas keep her worthless lands and swamps and pay her debt herself out of proceeds of sale of this worthless property. By a joint resolution of Congress, it was finally agreed that Texas should pay her own debt and retain all of her lands. The resolution reads as follows:

"That Congress doth consent, that the Territory of Texas and rightfully belonging to the Republic of Texas"—

Mind you, honorable gentlemen of this Court, the resolution reads, "rightfully belonging to Texas." There was no doubt in the minds of the supporters of that resolution, that these lands rightfully belonged to Texas—"may be created into one State called the State of Texas—in order that the same may be admitted as one State of this Union and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be laid before Congress for its final action—said State, when admitted to the Union, after ceding to the United States of America all public edifices, fortifications, barracks, etc., and all other means for defensive purposes of Republic of Texas, shall retain all her public funds, debts, taxes, and dues of any kind, which may belong or may be due or owing to said Republic of Texas. And shall also retain all her vacant and unappropriated lands lying within its limits."

Honorable Justices of this Court, mark this plainly: "all her vacant and unappropriated lands lying within its limits (or boundaries, which were designated three leagues from shore). Is that not plain as day, that Texas held the title to the tidelands?—"to be applied to the payments of debts and liabilities of said Republic of Texas."

Well, honorable gentlemen of this Court, could anything be plainer? In short, the United States told Texas that she did not want any of Texas' debts or any of her lands. Texas retained these lands in order to pay the debts from the revenue of the sale of lease of these lands. After that, the resolution also stated that after the debt was paid, these public lands should be left with Texas, to do with as she decided herself.

Texas did pay her debt, honorably. She lived up to her part of the agreement. Honorable gentlemen, it is up to the Federal Government to live up to its part.

At the joint resolution of Congress a paragraph was first inserted, to the effect that Texas should surrender her mineral rights. This clause was stricken out before the resolution was adopted, and Texas retained all her mineral rights within her boundaries. What lawful claim has the Federal Government to the Texas tidelands in the face of the above facts?

In accordance with the resolution of Congress, the Republic of Texas' Congress adopted a new constitution, which was transmitted to the President of the United

States and laid before that Congress, and which was passed by Congress and approved by the President on December 29, 1845.

This constitution provided that "the rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested, but the same shall remain precisely in the situation which they were before the adoption of this constitution."

Honorable gentlemen of this Court, let us repeat above again: "but the same shall remain precisely in the situation which they were before the adoption of this constitution." Which means three leagues from shore as the Texas boundary.

May it please this Court for me to quote a letter written by President Tyler the day before he died. The letter was written to Andrew J. Donnelson, charge de affaires in Texas, and follows: "By whatever name the agents conducting the negotiations may be known, be it commissioners, ministers, or by any other title, the compact agreed on by them in behalf of their respective countries and governments would be a treaty, whether so-called or designated by some other name. The very meaning of a treaty is a compact between two sovereign nations." Let us also consult the dictionary, which defines a treaty to be an agreement between two nations. And allow me to quote, also, as follows, from a letter from Charles H. Raymond to Ebenezer Allen, Attorney General of Texas, dated May 19, 1844: "I had a parting interview with President Tyler and the United States Secretary of State. They assured me that nothing should be wanting on the part of the executive toward ensuring to Texas her just rights after she shall have become a member of the Union."

Honorable Justices of this Court, mark this well: The people of Texas and their government believed in the integrity of the United States. They believed in the sacredness of a treaty or agreement between two nations.

Shall it be said that the Federal Government of the present day failed to honor this obligation of the past and tore up this historic agreement as another scrap of paper?

Now, honorable gentlemen and Justices of this Court, let us sum up the facts presented:

First, it has been established that the States never surrendered their public lands to the Federal Government. It has also been established that the States retained all their public lands. It has been established that Texas won her territory by the sacrifice in battle of her sons, so that the territory and boundaries rightfully belonged to Texas by conquest. It has also been established that Texas successfully defended all her boundaries while a republic for 10 years, and that she and her boundaries were recognized by the United States, Britain, France, Holland, and Belgium.

It has also been established that Texas, when annexed to the Union, retained all her public lands within her established boundaries and all her mineral rights, and that she never ceded any of these rights to the Federal Government. And it has been established beyond a doubt that a solemn agreement as to the above-mentioned facts was made between Texas and the Union, in fact, a treaty, and that Texas had faith in the integrity of the United States and its agreement and promises.

Gentlemen, honorable Justices, for you in the face of all the above-mentioned facts to render any but one verdict in this case, and that to be in favor of Texas's right to her tidelands, will be to sanction breach of contract and treaties, will be to sanction the tearing up of treaties between nations, as mere scraps of paper.

Furthermore, honorable gentlemen, the Federal Government, in the dispute about the boundary between Texas and New Mexico, showed plainly that it recognized Texas's rights to its boundaries by paying Texas $10,000,000 in settlement of lands ceded to the Union.

Honorable Justices of this exalted Court, may it please you for me to mention one more important fact: The Constitution plainly provides that the Federal Government may only obtain property from States and individuals by purchase or by condemnation, in which cases it must pay in compensation the full established value of the property so acquired. Honorable gentlemen, may I ask you what steps has the Federal Government taken toward compensating Texas for her tidelands? Without full compensation it cannot, according to the Constitution, obtain these lands.

When this great Republic of ours was founded, our freedom-loving founding fathers foresaw that times may come when unscrupulous politicians and parties in power might be wanting to foster their ideals and views upon the rest of the people, against the will of the minorities or the majorities, as the case might be. Also, they foresaw that the Federal Government might have aspirations of centralization which might interfere with the States' rights and with the liberties and rights of the individual citizens.

In order to prevent this and to preserve the Republic and the liberties of the people and the rights and privileges of Democracy, they wisely saw that some form of fundamental law, unchangeable except by amendment by the people, would be in order. They therefore drew up and enacted the United States Constitution, the grandest document ever written in the annals of history and law, the freedom's guardian of the Nation.

And to guard against violations of the rules set forth in the Constitution, they instituted the Federal Courts and especially this exalted and venerated tribunal, the Supreme Court of the United States.

Honorable Justices, gentlemen, upon your shoulders rest great responsibilities. You are the guardians of justice, rights, and the liberty of our people and the preservation of Democracy and of the Republic. Upon your decision may rest the future of our Nation. So I plead with you in this case, weigh the evidence presented carefully, judge carefully the great principles involved, and let your decision be based solely upon justice. And justice is plainly outlined by the facts I have presented.

It has been argued that the Federal Government needs the tidelands for defensive purposes. No one disputes the rights which the Federal Government has in wartime to appropriate the entire resources of the Nation, but honorable members of this Court, may I ask you, has not the Constitution provided abundantly for such emergencies? The rights of the Federal Government in war are not the same as in peace. And gentlemen, there are no more loyal people in the Nation than the Texans. Texans took a most active part in the past two wars. Texas young men's blood reddened the battlefields. They fought bravely, side by side with comrades from other States. Their mothers' hearts bled as profusely as those of any other State. Texans gave freely of her wealth and her resources. And if, which God forbid, war again should curse our Nation, Texas and Texans would be among the first to rally to the cause. The Constitution has amply provided for any and all emergencies. Why should any more controls be needed?

Honorable judges, gentlemen, fellow citizens; I am but one of the common people, but it is of us the common people that this great Nation is composed.

I was born upon foreign soil. My birthplace was in Denmark, across the sea, and I am proud of it. My birthplace was the cradle of Anglo-Saxon civilization. But I am also an American citizen, and I am proud of it. I love and honor this, my adopted country, its free institutions, its great traditions, and I am ready at any time to defend and protect it against the enemies from abroad as well as those who bore from within. I revere our Constitution, and I am always ready to defend its grand provisions.

I am proud of our flag, its red the symbol of the blood that stained the snow at Valley Forge, that reddened the poppies in Flanders Field and freely flowed from Normandy to Okinawa; its white, the symbol of purity and noble aspirations of peace and of good will to man; its blue, the hope of the oppressed, the bright aims of its preservers; its stars blazing proudly in the firmament of nations and with prophetic splendor giving light of the glorious dawn of the morrow.

But honorable Justices of this Court, I am also a Texan. I love my adopted States, I revere its glorious past, I vision its wonderful future, and, honorable gentlemen, I am ready to give my life and my all for this great State. I see its Lone Star flag proudly flying; I see them fight and die at the Alamo; I view the glory of San Jacinto; in my soul resounds the battle cry of "Remember the Alamo." They fought and died for Texas, that Texas would be free. And so, Honorable Gentlemen, Justices of this Court, I have come before you to fight for Texas, to fight for the treasured rights inherited from the past, and I will not stop fighting until this battle is won and the Texas tideland title has been cleared indisputably in favor of Texas.

Gentlemen, honorable Justices, I am not here to plead for favors or for mercy, but I am here as a free citizen, to demand justice.

And, gentlemen, do not forget that there is a higher court and higher jury than you that shall judge your acts; a court that shapes the destiny of nations. And there is another court from whose might the thrones of the mighty shall crumble, the court of aroused public sentiment of a free and liberty-loving people. That court will finally decide the case, through its Representatives in Congress.

But honorable Justices, gentlemen of this Court, I plead with you to uphold the integrity of this Court. Let your verdict be founded upon justice and upon the merit of the facts presented. Then, gentlemen, I have no fear of the outcome of the verdict.

I thank you.

M. H. STOUGAARD.

HUNTSVILLE, TEX.

TO CONFIRM AND ESTABLISH TITLES OF THE STATES TO LANDS BENEATH NAVIGABLE WATERS

Mr. SMITH of Virginia, from the Committee on Rules, submitted a privileged resolution (H. Res. 651), which was referred to the House Calendar and ordered printed.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in view of the report just made from the Rules Committee on H. R. 7873, I would like to announce to the House that I am assigning that also for next Tuesday. That is H. R. 7873. I ask unanimous consent that the Clerk may again report the title of the bill.

There being no objection, the Clerk again reported the title of the bill.

Mr. McCORMACK. Is that the resolution which the gentleman from Virginia [Mr. SMITH] just reported from the Rules Committee?

Mr. SMITH of Virginia. Mr. Speaker, I assure the House that I am not endeavoring to run over the tideland bills

CAMP, LYNCH, REED of New York, WOODRUFF, and JENKINS.

EXTENDING SELECTIVE SERVICE ACT OF 1949

Mr. VINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6826) to provide for the common defense through the registration and classification of certain male persons, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. VINSON, BROOKS, KILDAY, SHORT, and ARENDS.

COMPOSITION OF THE ARMY AND AIR FORCE

Mr. VINSON submitted a conference report and statement on the bill (H. R. 1437) to authorize the composition of the Army of the United States and the Air Force of the United States, and for other purposes.

REDUCING EXCISE TAXES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 666, Rept. No. 2323), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8920) to reduce excise taxes, and for other purposes, and all points of order against said bill are hereby waived. That after general debate which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by the direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SPECIAL ORDER GRANTED

Mr. COMBS asked and was given permission to address the House for 1 hour today, following the legislative program and any other special orders heretofore entered, and to revise and extend his remarks.

TIDELAND DECISION

Mr. COMBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBS. Mr. Speaker, I wish to say to my colleagues I have just reserved a special order, the first in 5½ years that I have been here, because I think I have something to say that will be of interest to the Members.

On June 5 our Supreme Court, by a divided decision, by a minority of only four Judges, decided that the rich oil-bearing tidelands of my State, which have been owned and preserved for our school children since the days of the Republic, no longer belong to us. I am going to discuss, and I think I can with all propriety, the decision of the Court and its far-reaching implications. In my judgment it threatens the fisheries and the rights of every State in the Nation. It is frightening in its implications.

I invite you to be present this afternoon when I speak. The time I have asked for will be much more than I will use, but I did it so that I might have a chance to yield for questions or comments. Meantime I have introduced a bill that would amend the statute to require orders of the Supreme Court, in cases of which it has original jurisdiction, to be decided by not less than five members.

The SPEAKER. The time of the gentleman from Texas has expired.

DEFICIENCY APPROPRIATION BILL, 1950

Mr. CANNON. Mr. Speaker, I call up the conference report on the bill (H. R. 8567) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1950, and for other purposes; and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT (H. REPT. No. 2318)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8567) "making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1950, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 13, 15, 16, 17, 18, 20, 21, 25, 28, 29 and 30, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$122,500"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$100,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"For 'Contributions for annuity benefits,' such additional amounts as may be necessary on account of the Act of September 1, 1916 (39 Stat. 718), as amended."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert ", of which not to exceed $20,000 may remain available for obligation until July 31, 1950"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert ", of which not to exceed $127,000 may remain available for obligation until July 31, 1950"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"CONTROL OF FOREST PESTS

"FOREST PEST CONTROL ACT

"For an additional amount for 'Forest Pest Control Act', $2,000,000, to remain available until June 30, 1951: *Provided,* That this appropriation shall be available from and including May 29, 1950, for the purposes of such appropriation."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 12, 24 and 27.

CLARENCE CANNON,
GEORGE H. MAHON,
ALBERT THOMAS,
JOHN TABER,
R. B. WIGGLESWORTH,
Managers on the Part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
RICHARD B. RUSSELL,
STYLES BRIDGES,
CHAN GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8567) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1950, and for other purposes, submit the following report in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DISTRICT OF COLUMBIA

Amendment No. 1 appropriates $160,000 for general supervision and instruction, public schools, as proposed by the Senate.

Amendment No. 2 appropriates $32,400 for the municipal court, as proposed by the House, instead of $40,360, as proposed by the Senate.

Amendment No. 3 extends the availability of funds for Glenn Dale Sanatorium, as proposed by the Senate.

Every corporation dollar that is paid the Government in the form of income tax is a dollar which the corporation cannot use to expand production, that cannot be used to develop new products, and cannot be used to pay salaries.

When it is not possible to develop new products and not possible to expand production of present products, it means only that new jobs cannot be created, and that is serious, for our entire economy is based upon more and more jobs to provide employment for the hordes of young men and women who each year are entering occupations for the first time.

By all means, wartime emergency excise taxes which have been unfairly distributed and retained long after hostilities have ended should be eliminated at the earliest possible moment. It could be accomplished by reducing Government expenditures, as shown by Senator BYRD, of Virginia, and without forcing additional taxes to make up for the shortage from excise levies. But the administration has insisted that the President would veto any such tax bill that did not carry additional taxes from some source, and apparently the easiest spot to drop additional burdens is upon the corporation. Everybody seems to think the corporation operates in some magic manner without limit of its resources.

The corporation, however, thinks of taxes in terms of expense, and additional taxes will mean additional prices which the consumer must pay, for that is the only way the funds are forthcoming. The whole economy will suffer by overtaxing corporations, but corporations as such do not vote.

After all, if the voters do not see through the fallacy of burdening business too heavily, Congress will lay it on heavily. Off will come the levies on baby talcum and cosmetics and up will go the corporation tax. That's the simple and unthinking way to produce more income.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks in the Appendix and include certain correspondence and tables.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. MURRAY of Wisconsin addressed the House. His remarks appear in the Appendix.]

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. COMBS] is recognized for 60 minutes.

THE TIDELANDS DECISION OF THE SUPREME COURT IN THE TEXAS CASE

Mr. COMBS. Mr. Speaker, I have sought this special order to discuss what I think is a serious question presented by the decision of our Supreme Court in the Tidelands cases involving California, Louisiana, and Texas. As I view those decisions, the principles upon which the Court based its judgment, taking from those States the lands that lie under the waters adjacent to their shores, and which prior decisions in an unbroken line for a hundred years preceding have confirmed to the States beyond question, are a new thing in the law. As I shall point out, the doctrine of the paramount right of the Federal Government to take for national use all which it needs without paying for it, and that is what it amounts to in the final analysis, presents a grave question.

Mr. Speaker, on June 5, 1950, the United States Supreme Court by a 4 to 3 decision, two Justices not participating, handed down a decision and judgment, the effect of which is to take from the people of Texas the offshore submerged lands which have been within the boundaries of Texas and have belonged to Texas since the days of the Republic.

The Republic of Texas fixed her boundaries by act of the Texas Congress on December 19, 1836, and in doing so fixed her seaward boundary at three leagues or 10½ miles from shore, beginning at the mouth of the Sabine River on the east and extending to the mouth of the Rio Grande. Subsequently, she was recognized as an independent nation by several foreign countries including the United States. By the terms of the agreement between the Republic of Texas and the United States by which Texas joined the Union, Texas retained all "vacant and unappropriated lands lying within its limits." The history of the negotiations, including letters exchanged between J. A. Donaldson, the United States Commissioner, and President Polk show that the "limits" referred to were those set forth in the act of 1836 and that President Polk wrote while the negotiations were in progress "Of course, I would maintain the Texan title to the extent which she claims it to be." In view of these facts, Texans have felt ever since the Federal Government began asserting title, or "paramount rights" in the underwater coastal lands that regardless of what might be the outcome as to the claim asserted against other States, surely there could be no question as to Texas ownership of the seaward 10½-mile strip within her limits. Consequently the people of Texas have been profoundly shocked by the action of the Supreme Court. The valuable, oil-bearing coastal lands involved belong to our permanent school fund which our State has built up and zealously guarded from the days of the Republic as a priceless heritage of our children. The prospect of these lands being taken from them by Court judgment is of itself shocking enough. But there are circumstances and implications attending the action that are even more disturbing. These circumstances and implications, which I shall now refer to, profoundly affect every State, and in a sense every person in this Union.

In the first place, the decision was rendered by a minority of four members of a nine-member Court. This came about by reason of the fact two justices, Mr. Justice Jackson and Mr. Justice Clark were disqualified, and as a consequence four justices constituted a majority of the seven remaining justices. Three justices dissented, Mr. Justice Reed, Mr. Justice Minton and Mr. Justice Frankfurter, on the ground that Texas owns the tidelands involved to the 10½-miles seaward limit and the oil and minerals beneath them. Are these valuable lands to be taken from our people by a Court judgment pronounced by a minority? Shall a controlling precedent of Court opinion that will profoundly affect every State in the Union be thus established?

Another disturbing fact is the refusal of the Court to grant Texas' request for permission to submit evidence. In the past the Supreme Court has many times received evidence in State boundary disputes and claims between the Federal Government and a State, in which not only the historic background and other facts were inquired into but also the opinions of leading authorities on the subject involved were heard. Had the request been granted, Attorney General Daniels of Texas was prepared to establish the facts above stated and a lot more; he would have submitted the testimony of a number of outstanding authorties on international law, all to the effect that Texas owns the lands and minerals involved. This was refused and the case adjudged merely on the pleadings without hearing any facts.

Finally, and this is profoundly disturbing, in deciding the case, the court opinion laid down a doctrine, or principle of precedent law, which farther extends that strange new doctrine of paramount right of the Federal Government first pronounced in the majority opinion in the California case. I have done some research and I have carefully studied and analyzed the opinion in the Texas case. I have no doubt that the principle there stated, carried to its logical conclusion, will profoundly affect the relationship heretofore existing between the Federal Government and the States. The first and most obvious effect will be for the Federal Government to move in and take over the fisheries and other activities of the coastal States from Maine to Washington and points between clear up to low-water mark. I understand that certain agencies of the Government are even now planning to seek legislation and appropriations to do just that. But the opinion goes much farther. The principle announced of the paramount right of the Federal Government to take without compensation whatever minerals or other substances it needs for the national defense can be applied to the lands and minerals of every State. Now, I want to discuss that question, and in doing so will discuss the court opinion.

Since it is necessary that I discuss the opinion of the court, and I feel that it is necessary, I want to offer a few general observations. I have been a practicing lawyer for more than 30 years and about 17 years of that was served at different periods on the trial and appellate benches of my State. I have always observed with meticulous care the ethics of my profession. Also, I have been both on the giving and on the receiving end of court criticism. There is a good deal of confusion in people's thinking concerning the propriety and right to criticize the opinion and decisions of a court. It is perfectly proper to criticize court opinions and decisions if it is done in the proper way and in the proper spirit. This is a democracy. Judges and courts are entitled to great respect because of the function the court performs in our system of government. But judges are

not infallible. They are human and are subject to the rule that we are all subject to, that it is but human to err. Also, it is through the right of the lawyer and others to criticize that important questions for decision of the courts are given complete rather than one-sided consideration.

I have formulated a simple rule to guide me in my criticism of courts and court judgments in the years gone by. I didn't read it in a book, but it has served my purpose very well. In substance it is this. It is never proper for one to impugn the motives of or to ridicule or speak contemptuously of any court or any judge or justice of it or to bring in question the integrity and honesty of a court or its judges. To do so would be an attack upon the court as an institution. It would tend to breed suspicion and contempt of the judicial institution and to undermine the faith and confidence of our people in the courts. And it is essential, in a republic especially, that the citizen shall have complete confidence in the judicial institution and live in the knowledge that he can resort to the courts of his country as to the horns of the altar to adjudge and secure for him the rights to his property, his life, and his liberty. But while it is not proper to improperly criticize a court, it is perfectly proper and on occasion a duty to question the soundness of a court's decision, to criticize the logic of the opinion, and to argue that it is not in keeping with past precedents, that it is not sound in principle, or that the doctrine announced will be injurious to the public.

Now, to understand the full meaning and effect of the decisions of our Supreme Court in the California, Louisiana, and Texas cases, it is necessary that we first understand what is involved. What is the tidelands issue? How did it originate?

I will trace very briefly the history of the tidelands questions. It has been the practice of nations and States for centuries in establishing their boundaries on a seacoast that the boundary be not fixed at the water's edge but is established some distance out seaward. Along most every seacoast there is a strip of land referred to as the continental shelf extending outward in some places many miles before the open sea is reached. This submerged land is considered by most authorities on international law to be but an extension of the land mass to which it is attached. The Colonies, long before the formation of the Union, established their seaward boundaries 3 miles from shore as was common at that period. The 3 miles was supposed to be the distance that a cannon shot could be fired in those days. The 3 miles of water-covered land was as much within the boundaries of the State as was the land above water. And all through the years and up to this time the States have exercised police powers, regulated fisheries and took shell, kelp, and other substances from these waters within their limits, subject only to the right of the Federal Government to control navigation and conduct the national defense, and so forth. All through the years controversies have now and then arisen between the Federal Government and a State concerning the use of such waters and more than 200 decisions of the courts, both Federal and State, extending back for 100 years or more, have held that the States owned the tidelands within their boundaries. I will read brief excerpts from three decisions of the Supreme Court of the United States to illustrate the uniform holding.

In one early case, *Mumford* v. *Wardwell* (6 Wall. 423, 436), handed down in 1867, it was held:

> The settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Chief Justice Waite in 1876 said:

> Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Chief Justice Hughes said in 1935:

> The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

As early as around 1920 the State of California leased her tidelands for oil production and wells have been drilled and oil produced from her tidelands ever since. No question was raised as to her right to do so, nor as to the right of any State to lease the tidelands within the limits for oil production until about 1937 when Mr. Ickes, then Secretary of the Interior, decided to assert a claim to the offshore oil on behalf of the United States. But before that, in 1933, Mr. Ickes himself wrote a letter to an applicant for an oil lease on the California tidelands in which he said:

> Title to the oil within the 3 miles limit is in the State of California and land may not be appropriated except by the authority of the State.

Consequently, not only California but the States of Texas and Louisiana leased the tidelands within their boundaries for the production of oil and gas. Oil companies and wildcatters invested millions in the purchase of leases and the States themselves have through the years derived large revenue from the oil.

But the claim asserted by Mr. Ickes in 1937 gathered support from some officials of the National Government and as a result suit was filed by the Attorney General against California and later against Louisiana and Texas. Such is the history of the controversy.

In deciding the California case, the Supreme Court, by a divided court incidentally, held that California did not own the submerged lands within its limits because the transfer from Mexico was to the United States. And so, said the Court, the marginal sea area was not acquired by California. It did not hold that the Federal Government owns the land or the oil in the submerged lands within the boundaries of California. What it did hold was that the Federal Government has a paramount right to take the oil regardless of the bare title of the land. Thus a strange new doctrine was announced—the right of the Federal Government to take, without compensation, oil needed for national use, at least under the facts it found to exist in the California case. But in the Texas case the Court does not question the fact that the Texas Republic owned the land in the marginal sea to its 10½-mile boundary. Still it applies the paramount-right doctrine to Texas, and, as a result, destroys an existing ownership of the State. And, of course, this would also destroy the title of any person holding under prior conveyance from Texas.

Thus, we are now confronted with a solemn and challenging fact. By decision of only four members, a mere minority of the full membership of the Supreme Court, a judgment has been entered striking down the Texas title. In doing this the Court greatly extended the doctrine of the California case. It has announced principles which threaten the rights of every State in the Union. For if the Court by judicial decree can take the tidelands and the oil beneath them from Texas, Louisiana, and California without compensation she can likewise take title to any mineral or substances anywhere. If anyone doubts this he need only read the opinion of Mr. Justice Douglas who wrote the Court opinion. He spelled out clearly the implications of the holding when he said:

> Today the controversy is over oil, tomorrow it may be over some other substance or mineral, or perhaps the bed of the ocean itself.

Thus the fisheries of Washington and Oregon, of Maine and Massachusetts, the sponge fisheries of Florida are to be taken over. The sea waters along the coast line are to pass under the control of the Federal Government up to the low-water mark. Even now certain agencies of the Government are preparing to ask for legislation and appropriations to take control from the States in the seaward area within the boundaries of the littoral States. And if the Government can seize these rights from the States by judicial decree she can likewise take the coal from West Virginia, the phosphates of Tennessee, or the copper of Montana if needed for a national use, regardless of who owns the base title.

The fundamental doctrine of the Court decision in the Texas case is astounding and most dangerous indeed. I said at the outset that the Texas decision goes far beyond the doctrine announced in the California case. Justice Reed filed a dissenting opinion in which he was joined by Justice Minton. In that dissent Justice Reed stated:

> I think the resolution of annexation left the marginal sea area in Texas. The resolution expressly concedes all "vacant and unappropriated lands lying within its limits." An agreement of this kind is in accord with the holding of this Court that ordinary lands may be the subject of a compact between a

State and a Nation, *Sterns* v. *Minnesota* (179 U. S. 223). The Court, however, does not decide whether or not the vacant, unappropriated lands lying within its limits at the time of annexation includes the land under the marginal sea. I think it does include those lands. At least we should permit evidence of its meaning.

Instead of deciding this question of cession, the Court relies upon need for the United States to control the area seaward of low-water mark because of its national responsibility. It reasons that full dominion over the resources forces this paramount responsibility, and refers to the California discussion of the point. But the argument based on international responsibility prevailed in the California case because the marginal sea area was staked out by the United States. The argument cannot reasonably be extended to Texas without a holding that Texas ceded that area to the United States.

Necessity for the United States to defend the land and to handle international affairs is not enough to transfer property rights in the marginal sea from Texas to the United States—the needs of defense and sovereign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore from under uplands of a State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is to every other parcel of American territory. In my view Texas owns the marginal area by virtue of its original proprietorship. It has not been shown to my satisfaction that it lost it by the terms of the resolution of annexation.

Mr. Justice Frankfurter, in a separate, short dissent had this to say:

I must leave those who deem the reasoning of that decision—

The California case—

the right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

I think what the dissenting Justices had in mind is that the Court opinion does not show any legal transfer of title from Texas to the United States. Under the American system of law relating to real estate, as is true in all English-speaking countries, the ownership of land is absolute and carries with it the right to the air above and to all substances on or beneath it. Also the title must be transferred in some lawful fashion, such as by deed, grant, or inheritance. And, of course, there was no such transfer by Texas to the United States. And the Court decision naturally did not show any such transfer. The Court decision did work a transfer by extending the doctrine of paramount right.

Mr. Justice Reed points out that the court's decision does not show any legal transfer of title from Texas, which all admit, on the tidelands and Justice Frankfurter states that how the shift came about "remains for me a puzzle." But I think Mr. Justice Douglas, in writing the Court's opinion, in one single paragraph, shows exactly how the majority worked that shift of title. He states:

It is said there is no necessity for it—

That is for the Federal Government to own the sea bottom and the oil—

that the sovereignty of the sea can be complete and unimpaired no matter if Texas owns the oil underlying it. Yet, as pointed out in *United States* v. *California*, since low-water mark is passed the international domain is national. Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereignty.

Let us examine this language critically. Citing the California case, it says that "once low-water mark is passed the international domain is reached." This means that the submerged lands from there out to the State line is being dealt with at that point, that is the low-water mark, "Property rights" must then be "subordinated to political rights." First, take note that this concedes the property rights or ownership of the State or its grantees in those offshore lands, but that property rights or ownerships must be subordinated. But not only that it must "be so subordinated to political rights"—that is the necessity of the National Government—"as in substance to coalesce and unite in the national sovereign." There is where the transfer takes place. It "coalesces." In other words I own an oil lease from the State in tidelands. The Government wants to take my oil without paying me for it. So it subordinates my right and ownership to such an extent that my right "in substance" passes to the sovereign. And how does it pass? By title conveyance or by condemnation and payment as provided in the Constitution? Oh no, it just "coalesces." And as it coalesces it just naturally "unites in the national sovereign." In other words, the Government, because it needs the oil, just takes it away from me without paying for it.

In some countries they call this expropriation. That principle is unknown to the law of any English-speaking country. In the tidelands cases, it is applied as against the States—also—and thus the power of the Federal Government over the States would be greatly increased. We have no such word as expropriation in our English and American system of justice. But we do have an expressive word that describes the process perfectly. The word is confiscation, and the term is an unpleasant one. But the effect is just the same whether you call the process confiscation or coalesce. In either case the citizen is deprived of his property without due process of law. And the property of the citizen is taken without compensation.

It is noteworthy that in support of that strange doctrine the only authority cited is the decision in the California case by the same court. It is no wonder no other authority was cited because there is none in the whole history of American and English jurisprudence. The principle announced is contrary to the law of real property ownership as it has existed from Coke, Blackstone, and Kent until now. There is not a decision of the high courts of this or any other English-speaking country to support such a doctrine, nor is there an expression from any legal scholar, past or present, in such countries to support it.

I say these things with regret. But as I view it the implications of what the Court has done are too far reaching, too fraught with serious consequences to our country for them to be ignored. It is my thought that some one in the Congress must challenge the holding.

One thing we can do is to bring forth the tidelands relinquishment bill promptly, consider it, and enact it into law. We passed such a bill in the House last Congress with only 29 dissenting votes. Let us pass it again and put at rest the encroachment of Federal authority upon the rights and ownerships of our States in their marginal lands.

As a Texan I want to see the heritage of the school children of Texas, the oil-rich tidelands which their forebears bought for them at San Jacinto, made safe and secure. And may we hope that our Supreme Court will see fit to erase from the books its strange new doctrine of the paramount right of the Federal Government to take the property of the States and their citizens without compensation.

Mr. PICKETT. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Texas.

Mr. PICKETT. The gentleman is making a very clear, concise, analytical and sound speech. It should be heard, read, and studied by every Member of the House. If it is considered with understanding, legislation on the tidelands subject which is expected to be considered on the floor at an early date will pass by a tremendously large majority—so large that it will serve notice of the futility of a veto such as took place on a previous bill. It will be a guaranty against any attempted seizure in the future.

Mr. COMBS. I thank the gentleman very much for his comments. A rule was granted today, as you know, on this tidelands bill, and I am hopeful that in putting this argument in the RECORD, at least it will help to counter some of the arguments that may be made that Congress, in passing the tidelands bill, will be giving something away. The United States has nothing to give away in those tidelands. We do need to clear up the uncertainty created by the claim of the Federal Government. It is injuring the States, and the matter should be put at rest by conferring the title of the States to their tidelands.

Mr. DOYLE. Mr. Speaker, will the gentleman yield?

Mr. COMPS. I yield.

Mr. DOYLE. I want to compliment our colleague, a distinguished lawyer, on his very fine presentation. As the House knows, in the Seventy-ninth Congress I filed a tidelands bill for the State of California and again in this session of the Congress I did the same thing.

As we come to debate this issue in the next few days, I hope we bear in mind

that even though the Supreme Court has enunciated a new theory of law with which I disagree, as well as the gentleman now in the well of the House addressing us, nevertheless the House of Representatives reserves unto itself the determination of policy, and I firmly believe the policy of the Congress should be that these rights in controversy should remain in the ownership, possession, and control of the States.

Mr. COMBS. I thank the gentleman for his helpful comments. He is certainly right.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. PATMAN. I desire first to commend the gentleman from Texas on his excellent statement and to assure him I am in accord with what he is saying. Under the decision of the courts, what will happen to the area outside of the 3-mile zone extending to the 3 league, or 10½-mile line? Does the opinion of the Court assert that the Federal Government will own out to the 10½-mile line which Texas owns, or does the opinion state that the paramount right will extend to the 3-mile line only?

Mr. COMBS. The Court has refused to claim a thing for the United States Government, even within the 3-mile limit and up to the shore, to say nothing of beyond the 3-mile limit. In other places the farthest the United States has claimed is 3 miles out, and if they were to stand by that, then they would abandon everything beyond the 3 miles, which is land that Texas has had sovereignty over since 1836. I suppose in this atomic age the Government will let the fishermen of all nations come to within at least the 3-mile limit and perhaps even to the low-water mark.

Mr. NICHOLSON. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. NICHOLSON. I cannot help but remark what a great deal of work the gentleman must have put in on this problem to prepare such a wonderful answer to the decisions of the Court. In the case of Massachusetts, you will find that King James gave us a charter which extended to the 3-mile limit, which was the international law at that time.

That was included in the State of Massachusetts. I assume, although I do not know, that every State on the seacoast, with the exception of Florida will probably have the same kind of charter. If we take these decisions of the Supreme Court to be the law of the land, permitting the government to step in, then all the seashore property in the city of Boston, which is built over tidewater land and on filled-in land and so forth, could be taken away from us without due process which could not be done if they looked up the charters.

Mr. COMBS. The gentleman is correct. Every regulatory craft of the fishing industry, such as in the State of Maine and other States, will probably be put off the high seas and taken over by Uncle Sam by a Washington agency here.

Mr. BECKWORTH. I want to compliment my colleague on the excellent presentation he has given to the House, and to call to the attention of the House the fact that there is no person in this country more qualified to give a fair and concise statement than the gentleman who has spoken, for through the years he has been one of the high judges of the State of Texas, and has studied every problem that has come before him, in the most diligent manner possible. I think we all recognize the unassailable argument he has made. It is my hope that those who have not been privileged to hear him this afternoon will at least take the time to read that which he has said, for I cannot help but believe if that is done we shall win the fight which we know is right, to wit, the retention of the tidelands for our State.

Mr. COMBS. I thank my colleague.

I want the Members to know that I have spoken under great restraint, and I hope with due respect to our highest Court.

Mr. GUILL. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield to my colleague from Texas.

Mr. GUILL. I would like to commend the gentleman on his fine statement and I would like to read a few words by Dr. J. A. Hill:

HILL-TOP VIEWS

(By Dr. J. A. Hill)

CANYON.—One of the worst aspects of American life today is the progressive disintegration of governmental integrity. This is not the baseless assertion of a wailing pessimist, but is one of those public tragedies that almost might be classified as self-evident.

The Supreme Court decision in the tidelands matter looks to this column like a case in point. Two independent republics voluntarily entered into a treaty—a solemn, regularly constituted agreement by which the younger and smaller republic surrendered its independence to the older and larger one.

Among the provisions of that treaty was the stipulation that Texas should retain and be responsible for her own national debt. In turn, she was to keep her public lands, which at that time, seemed almost worthless. Had either party to the treaty known the ultimate value of these lands the outcome of the negotiations doubtless would have been quite different.

In the absence of knowledge of the value of the property involved they signed the treaty with mutual feelings of satisfaction. Each was unquestionably well satisfied with the deal. And no question of ownership of public lands or title to same was raised for more than a century.

As long as the tidelands were just so much water-covered terrain the United States had no more thought of the Texas boundary line than she did of Rhode Island's. But once it became rich with oil Texas' title to this tideland was invalid. In the opinion of a majority of the Court, when Texas became a State in the Union all conditions of admission became null and void. Texas was just another State, like Kentucky or Kansas.

It is said that billions of dollars are involved in this decision, and that Texas schools and other public State agencies will suffer irreparable loss. This means a heavier burden on the taxpayers of Texas and one that neither equity nor national honesty would seem to justify.

However, bad as these losses are, they are not the worst features of this recent Court decision. If our National Government will not keep its solemn contracts with one of its own member States and will deliberately filch the property of such States, how can any foreign power have any faith in our international agreements?

We are right now having difficulty making people of the world believe in our national sincerity and dependability. Moreover, our administration in Washington is constantly lashing the Russian Government for its insincerity in all of its relations with the west saying that we cannot treat with that country because no faith can be put in her agreements.

Personally, I think that our diagnosis of Russian diplomacy is 100 percent correct, but when we turn right around and abrogate a solemn treaty between ourselves and the State of Texas, though the terms of that treaty have never before been questioned in its 100-year history, we impeach our own integrity and stand out before the world as a champion of the doctrine that might makes right.

As the world's chief exponent of free government, which is based upon high moral values, and as the world's most responsible leader the United States of America cannot afford to abrogate a solemn compact between herself and any other political unit, domestic or foreign, anywhere on earth. The integrity of this country is far more important these days than all the billions of wealth or even of the rights of all of Texas school children, great as these are.

Already the respect of her own citizens for their government is in a state of unstable equilibrium. This is itself a dangerous situation and our Government should be leaning backward to prove its fidelity to its obligations. As this column sees it the Court decision is a national calamity. If Congress has any power over the situation it should act promptly and decisively in defense of our national honor.

Mr. COMBS. I thank my colleague for that comment.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. PHILLIPS of California. I want to commend the gentleman on the very clear and interesting statement, particularly his emphasis on the fact that while the decision itself is serious, the implications are much more serious than the question of States' rights. In the original discussion of this act it was clearly to be seen that this would throw a cloud on the title to a great deal of land adjoining the original areas of the edges of the ocean and the edges of streams. Has that been cleared up by this decision?

Mr. COMBS. No. It has not been cleared up, and the shipyards in the lower part of my district at Beaumont, Orange, and Port Arthur, Tex., are piled up with idle barges and ships that have been hauled in from the sea because they had to quit drilling out there on the Texas leases because of this decision of the Court, until they are cleared up. There are thousands of men out of work and the State is sustaining a great loss of revenue by reason of this cloud on the title to the off-shore land.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. LUCAS. I take much pride, as a fellow Texan, in the statement which my colleague has made. It is a frightening situation, as the gentleman has said. I think if this information is given to all Members of Congress, we will have no difficulty in passing a bill protecting the rights of the people. Surely the people of the Nation wish the rights of the tidelands to be in those in whom they have rested for over a century. Nothing

has so inflamed the people of the State of Texas as has this decision. I do not know whether I commend the gentleman or not for his restraint, because I myself have called this decision a theft.

Mr. COMBS. I thank my colleague for his comment.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. ELLIOTT. I want to commend the gentleman on the learned statement he has made, and to ask the gentleman this question: Does the effect of this decision go far enough to bar Texas from asserting the right which it has to that part of the tidelands beyond the 3-mile limit, and within the 10½-mile limit? Is the decision broad enough to exclude you from that?

Mr. COMBS. I would say that the implications, if not the direct decision, would be to stop Texas, and every other State, at the low-water mark. I do not think it could possibly have any other effect.

Mr. McSWEENEY. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. McSWEENEY. If the ruling does not go into effect will there not be an effort on the part of other States to have their boundaries extended in like manner?

Mr. COMBS. There may be, and they should do it. The right of sovereignty ought to be extended seaward from our shores by the Federal Government and the States should assert their property rights. I think the right of sovereignty ought to be extended to the continental shelf. By the States to their chosen boundaries and by the Federal Government from there on.

Mr. McSWEENEY. Is it not a fact that following the battle of Jutland, Norway said that she would consider it an unfriendly act for a foreign vessel of war to approach within 11 miles of her coast?

Mr. COMBS. She did.

Mr. McSWEENEY. Will there not be more acts by other nations extending their sovereignty?

Mr. COMBS. There probably will be. Oil is not the only thing involved. At the present time California has a coal mine which extends 4 miles under the Pacific. That is affected by this decision.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. POAGE. As I understand it, when a contract is broken by one of the parties, through failure of consideration or otherwise, the other party is relieved of his obligations. Is that right?

Mr. COMBS. That is a principle of contract between persons; yes.

Mr. POAGE. I believe the gentleman told us that the Republic of Texas contracted with the United States for the admission of the Republic into the Union.

Mr. COMBS. That is what we did.

Mr. POAGE. And that the United States Senate rejected originally a treaty which provided that the United States should own all of the public lands of the Republic and that the United States would pay the public debt. The United States Senate did reject that kind of treaty, did it not?

Mr. COMBS. It did reject it, but later an agreement was worked out.

Mr. POAGE. That is right; a joint resolution of the two Houses.

Mr. COMBS. That is right.

Mr. POAGE. And the joint resolution provided, if I recall, and I believe the gentleman so advised the House, provided in express terms that the United States would not pay the debt of the Republic of Texas, that the United States would not take the lands of the Republic but that the State of Texas should reserve those lands and that the Republic should use the lands to pay the debt, and when the debt was paid the State should have the land free and clear of encumbrance. That was the substance of the agreement.

Mr. COMBS. That is right.

Mr. POAGE. In 1950 the State of Texas sold a substantial amount of public lands, about two-thirds. The State of New Mexico, I may say to the gentleman from New Mexico [Mr. MILES], was a part of the State of Texas in 1850. A portion of the State of Oklahoma, a portion of the State of Kansas, a large part of the State of Colorado, and a portion of the State of Wyoming were at that time parts of the State of Texas. We sold that land in order to pay that debt, did we not?

Mr. COMBS. That is correct.

Mr. POAGE. We paid that debt; we applied the proceeds of the sale of that land to that debt and understood that by applying that money to that debt we received clear and complete title to the remaining public land which the gentleman has so clearly shown include the tidelands.

Mr. COMBS. The gentleman is absolutely correct. Let me point out there the CONGRESSIONAL RECORD of 1848 and turn to the page where Senator Thomas J. Rush of Texas rose in the Senate and read the boundaries of Texas including three leagues out from shore into the RECORD. Later the Treaty of Guadalupe Hidalgo, set forth the boundaries calling for the seaward boundary to be 3 miles off-shore at the mouth of the Rio Grande, as in the act of 1836.

Mr. POAGE. The situation would be that the State of Texas was entitled to a free, clear, unencumbered title to those boundaries that had been described just 2 years before.

Mr. COMBS. That is right.

Mr. POAGE. Since the United States has not carried out its part of the consideration, or at least since it has repudiated its part of the contract, what about the ownership of that large portion of New Mexico, of central Colorado, and of western Kansas and Oklahoma, and a portion of southern Wyoming? Who do you reckon owns that area now?

Mr. COMBS. Let us not raise that question with them; we love those folks over there.

Mr. POAGE. We would like to have them back home.

Mr. COMBS. I know, but the children marry off, you know.

Mr. POAGE. We did not send them there because we did not love them; we would like to have them with us. But now with the United States repudiating its part of the contract, how about getting our property back?

Mr. COMBS. Our children married and went up there, established themselves in the State of New Mexico and other places, and they are doing a pretty good job of housekeeping. We are proud of our children.

Mr. LYLE. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield.

Mr. LYLE. I very much appreciate the statement the gentleman has made. I have no doubt but what our great State could win the fight using the weapons the gentleman himself uses, right, justice, integrity of contract, but the weapons they are using are political weapons, not the ones that are spoken of in the contract. Here is one thing the gentleman would like to emphasize I am sure and that is we are not concerned with the oil. If our Government needs that oil we will give it to them. We have given them our lives; we have offered our lives. We are concerned with the integrity of contracts; we are concerned with the integrity of property rights; we are concerned with those things that are precious to us. That is the right to know that we own that which is ours and that our Federal Government respects the agreements it makes with us. We have got to know that to be strong as a whole. It is impossible to strengthen the Nation when you tear down individual parts of it.

We are not interested in that which is under the water. Yes, it belongs to us. We are interested in the principle of the thing. If they need that oil the gentleman will give it to them. I would give it to them; the rest of the people of Texas and America would give it to the Nation. We will give them everything to preserve it. But it is a matter of principle, right, and justice, and I hope the gentleman can get them to fight with the same cornstalks he is using.

Mr. COMBS. It is true that we must preserve our agreements. Also we must preserve the continuity of the law as expressed in sound legal precedents if we are to have stable institutions and a strong society. Property rights and human rights are the same thing—one cannot long exist without the other.

Mr. THORNBERRY. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Texas.

Mr. THORNBERRY. I want to express to my colleague from Texas my appreciation for this very valuable discourse.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman has made a very wonderful speech and I am with him 100 percent. The gentleman knows, as do all of us, that a Socialist government cannot be completed perfectly without the sanction and the support of the highest court of the land. Unless we fight this thing, then, certainly, we have no reason to fight other socialistic moves in America. I am going to fight right with the gentleman.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I say to the gentleman from Texas that he has made a wonderful statement. This is not only a question of oil; it involves the boundary of every State that touches the Gulf, the Great Lakes, the ocean, or any navigable stream and covers not only oil rights, but fishing rights, navigation rights and all the other rights that go with the States that border on a body of water.

The SPEAKER. Under the previous order of the House, the gentleman from Louisiana [Mr. LARCADE] is recognized for 30 minutes.

THE CALIFORNIA OIL CASE

Mr. LARCADE. Mr. Speaker, Louisiana is the third largest oil-producing State in the Union, and my district is one of the largest oil-producing sections in the State. My district extends and borders on the Gulf of Mexico on the south, therefore, my district is intensely interested in the tidelands question.

It is a well known fact that there has been more development off the shores of Louisiana than in either California or Texas, and as a result the action of the minority of the Supreme Court of the United States since the decision in the California case, leasing, exploration and further development of our valuable tidelands has been interrupted. I have been very active in working to prevent the Government from appropriating and depriving the rightful owners of these valuable offshore lands which we maintain, notwithstanding the decision of the United States Supreme Court, to be the property of Louisiana, as well as the property of all States where these lands touch their borders. As an evidence as to the interest of my State in these tidelands, I wish to read from an article how much Louisiana has lost since the decision in the California case:

SAY LOSS DUE TO TIDELANDS CASE—ESTIMATES STATE LOST $20,000,000 IN BONUSES

SHREVEPORT, LA., June 17.—The State of Louisiana has lost an estimated $20,000,000 in bonus money for offshore lands since the tidelands decision in 1948, according to O. G. Collins, chairman of the State mineral board, Shreveport.

Collins said the board has not leased any tidelands since the controversial California decision in October 1948.

Under the latest decisions handed down by the United States Supreme Court, the State stands to lose $4,000,000 yearly in rentals alone if the United States should proceed to take over the lands in question. This figure is based on a report of the State mineral board to the Governor and legislature with rentals of $15,533,732.72 on offshore lands from 1946–49.

Bonuses received for 1945–49 amounted to $26,022,812.59 for 2,542,696.11 acres in 757 leases. This adds to a total of $41,556,506.31.

That's over $10,000,000 a year alone to the State. Loss of this income would deal the Louisiana taxpayer, already overburdened, possibly an even greater blow.

The report shows 79 producing wells on producing acreage of 172,951 acres, indicating that only a start has been made toward the development of the tidelands.

Despite the fact no offshore lands have been leased since October 1948, total returns from this source have been almost $6,000,000 more than from inland acreage. Total returns from inland were $35,855,148.55 as compared to the tideland figure of $41,556,506.31.

Mr. Speaker, it is our belief that the Supreme Court has erred in their decision in the California case, and our attorney generals and others from all of the States involved have submitted irrefutable evidence and argument to prove this contention. Notwithstanding, when Louisiana and Texas had litigation filed by the Government making the same claim for our tidelands, the best legal authority in the United States attacked the claims of the Government, and likewise presented answer orally, by brief and by argument to establish beyond any question of a doubt, that the Government had no claim or right of ownership of our tidelands; however, the Supreme Court, without, in my opinion, properly taking into consideration the law, facts, evidence, previous decisions over a period of over 125 years, and precedent and other considerations, handed down a decision, based entirely and relying completely upon the previous decision in the California case, did and does aver that the tidelands belong to the Government, and not to Louisiana and Texas, and which decision we maintain is in error, incorrect, unjust, without authority in law, precedent, fact, and evidence submitted to the contrary.

Mr. Speaker, in this connection, I wish to read into the RECORD an editorial from the Plaquemine's Gazette, of Point a la Hache, La., of date April 1, 1950:

STATE'S TITLE URGED IN ARGUMENTS

The motion for judgment filed on behalf of the United States against the State of Louisiana was argued in the Supreme Court in Washington Monday.

Representing the State of Louisiana in Court were Attorney General Bolivar E. Kemp, Jr., Assistant Attorney General John Madden, and Special Counsel L. H. Perez, Cullen R. Liskow, of Lake Charles, Stamps Farrar, of New Orleans, and Bailey Walsh and Trowbridge vom Baur, of Washington.

The United States was represented by Solicitor General Perlman, who made only a brief argument claiming that the Louisiana case was controlled entirely by the decision rendered by the Supreme Court in 1947 against California.

He claimed that the decision rendered in 1836 by the United States Supreme Court in favor of Louisiana's title to public property in the same category as the rivers, seas and shores, and public places, did not apply in this case.

Cullen Liskow, of Lake Charles, argued the first defense for Louisiana and showed that the Supreme Court has consistently held even in the California case, and in a later South Carolina case that, where Congress had not asserted any authority or governmental power in conflict with that exercised by the State, the Court could not render judgment creating any such authority or power for the United States.

Mr. Liskow urged the Court, therefore, that the Government's petition claiming Louisiana's tidelands and the right to produce oil and to control the taking of all other resources had no standing in Court in the absence of an act of Congress asserting authority and power to produce oil and to take the other resources from the Gulf bodies or waters.

JUDGE PEREZ ARGUED

Judge Perez argued that Louisiana's title was based not only on the equal-footing rule by which it was admitted as a State into the Union by an act of Congress in 1812, and therefore had all of the same sovereignty and property right to the tidelands that the Original Thirteen States bordering on the sea had at the time of the Declaration of Independence in 1776 and the Treaty of Peace with the British Crown in 1783.

He pointed out that the British Crown entered into a treaty, with the United States naming the Thirteen Original States each by name, and dealt with them as independent, sovereign States and gave up to them, the Original States, all right of government, proprietorship or title and territorial jurisdiction previously held by the British Crown.

The United States Supreme Court held in 1842 that when the people of the State of New Jersey, along with the people of each of the other Thirteen Original States, declared their independence and succeeded in their revolution, they, the people of each State, succeeded to the sovereignty of the British Crown and to all right of government and the property which the British Crown formerly held.

The Court also held that under the old common law of England the British Crown owned such public property as the submerged lands and waters of the seas subject to the common use of the people, and that the right of the submerged lands and waters and resources in them passed from the British Crown to the people of the several Thirteen Original States.

That decision has been upheld by the Supreme Court in at least 100 cases since 1842 until the time of the decision in the California case in 1947 by the New Deal Court.

Judge Perez pointed out that in the case of Louisiana, particularly under the French Treaty or Cession in 1803 of the Louisiana Territory to the United States, that it was agreed that the inhabitants of the Louisiana Territory should be admitted as a State under the principles in the Federal Constitution and that the people were to be protected in their liberty, property, and religion which they professed.

He pointed out that in the decision of the United States Supreme Court in 1836, the Court held that the people of Louisiana owned the rivers, the seas, and the shores, and all public places within the boundary of the State, as fixed by the act of Congress extending three leagues from the coast out into the Gulf, and that the United States had never acquired title to such property, but only held it in trust for the inhabitants of Louisiana until the State was created by act of Congress and at that time the State of Louisiana became sovereign, the same as the Original Thirteen States, and then held such public property, including the rivers, seas, and the shores and all public places within the State's boundary for the benefit and common use of the people of the State of Louisiana.

He pointed out that if the legal representatives of the United States could now prevail upon the Supreme Court to render a decree confiscating the property of the people of the State of Louisiana in their united sovereignty, then the United States Government might as well have the Supreme Court render decrees depriving the people of the State of their liberty and of their religion as well as their lives, because the United States was no more entitled to confiscate the property of the people of the State which they held in their united sovereignty under the Constitution than to do any other such unlawful acts, and, if they succeeded in this, they might as well tear up the United States Constitution.

Furthermore, Judge Perez pointed out that the proceeding before the Court was in favor of the United States to confiscate Louisiana's public property without any trial on the merits or the hearing of any evidence, when, as a matter of fact, the Constitution guaranteed a right of trial by jury in all such cases

of property title and possession involving $20 or more, while this case involved not only the invaluable sovereignty rights of the people, but admittedly was worth many millions of dollars.

Judge Perez urged the Court to dismiss the motion of the United States for judgment on the pleadings and to grant a right of trial by jury and to fix the case on the merits.

Mr. Speaker, I also wish to present an editorial from the Times-Picayune, of New Orleans, La., published after the Supreme Court handed down its decision in the Tidelands case recently, as follows:

TIDELANDS DECISION

The Federal Supreme Court's decision Monday for Federal control of the Louisiana and Texas tidelands does not come as a surprise. When the high court in the California case reversed rulings and upset precedents that prevailed for more than a century and a quarter, many may have hoped, but few believed, that it would limit that sweeping extension of Federal powers to the single State, even though some Government apologists then suggested that California's situation was unlike that of other coastal States and the extension of the grab to the others might never be sought.

Most thoughtful observers recognized the administration maneuver for what it turned out to be: A planned and deliberate drive to expand the Federal powers by contracting and nullifying the powers and rights vested in the several States.

Once the Court of last resort as reorganized under the late President Roosevelt adopted as its own the administration policy enunciated by the Federal suit for California's oil-bearing tidelands, there was small hope that this revolutionary decree would be reversed or substantially modified in later decisions by the same jurists who rendered it. Louisiana and Texas were next attacked, their selection obviously being promoted by the oil riches, actual and potential, of their submerged tidelands. The California decision now is cited by its makers to support the decisions against the two Southern States.

The fight does not end, however, with these decisions. Congress never has authorized the grab. The administration cannot exploit its judicial triumph, as we understand it, save by authorizing enactment by Congress. That will not be secured from the present Congress which, like its predecessor, shows no disposition to sanction this Federal encroachment. To cash in on their current legalistic grab of the tidelands, the "big Government" champions in the Federal bureaus, therefore, will have to await the election of a Congress whose majority favors nullification of State powers and rights and open concentration of all governmental power in the Government at Washington. The election of such a Congress is possible as all things—including the upset of State rights enjoyed since the Nation's beginning—but we canont bring ourselves to believe that such a national calamity is possible in the near future, if ever.

Mr. Speaker, I would also like to submit for the RECORD excerpts from an editorial from the Plaquemines Gazette, published on December 31, 1949, as follows:

Excerpts from an editorial was published in Oil newsmagazine. The same issue of the magazine carried the complete statement filed by Judge Perez with the United States Senate Committee on Interior and Insular Affairs, on October 5, 1949, on the States' right and title to their tidelands and submerged lands and resources:

"The statement of Leander H. Perez, submitted to the United States Senate Committee on Interior and Insular Affairs,, with respect to the proposed legislation dealing with the tidelands, is a notable exposition of States' rights under the United States Constitution.

"In this issue we publish in full the statement of Leander H. Perez, district attorney of Plaquemines Parish, La., and special counsel of the State of Louisiana in the tidelands case, submitted to the United States Senate Committee on Interior and Insular Affairs with respect to proposed legislation dealing with the tidelands.

"We believe it is the most thorough and comprehensive discussion of this important issue that has been published to date and Mr. Perez is entitled to the thanks of the oil fraternity and the public at large, for his painstaking research and industry which have developed so many significant historical phases of the subject.

"As a matter of fact this document may have a greater influence on the future of our Nation, and the freedom of our people, than may be apparent from a casual or superficial reading. Like some small stone cast in the water, its effect may extend to the farthermost shore, for it is undoubtedly true that the tidelands case may well prove to be the crucial test in the alinement of those who have the courage of their conviction and are willing to take their stand across the march of socialism, statism, and regimentation.

"The battle forces are already engaged—it is not merely a question of States' rights and legal title to the tidelands. It is a question of the survival of our democratic form of government, our American way of life and our free institutions.

"It was gratifying to note at the recent annual meeting of the Interstate Oil Compact Commission, comprised of the governors and representatitves of all oil-producing States of the Union, that the vast preponderance of sentiment favored the rights of the individual States in their fight against the proposed tidelands grab by the Federal Government. In fact, the Commission adopted a strong resolution urging Congress to speedily settle the tidelands issue and confirm the States' rights to the submerged areas.

"It was also significant that Governor Carlson, of Kansas, who was chairman of the Commission, said, notwithstanding the fact that his own State of Kansas has no tidelands, having the interest of his country at heart, has been convinced that the principles involved in this great issue extend beyond the boundaries of the tidelands States and engulf all other States; that a united stand of all freedom-loving people is imperative if the insidious and vitalizing forces of evil are to be halted.

"Said Governor Carlson:

" 'If the several States, the counties, the cities, the towns, and the villages subordinate their constitutional rights to a central power in Washington, we will lose our right to freedom and autonomy at the level of local government. Should we do so, we should thereby abolish the purpose and intention of our Constitution, the last hope of freedom on this earth.

" 'The issues have never been clearer than they are today. * * * Each and every one of us is challenged to fight and protect our Republic at all costs. You, as individuals, must rely on Congress to use its constitutional powers to check the executive branch in its program to subdue the States and nationalize our industries and professions.

" 'In the 14 years that the Interstate Oil Compact Commission has been in existence the individual States have regulated the production of oil and gas under sound conservative principles. There is no need for Washington to enter our field of regulations.'

"Governor Carlson reviewed the progress of the production of oil and gas in America under our competitive system and State conservation laws."

Mr. Speaker, along the same lines, I would include also an editorial from the New Orleans Times-Picayune, respecting the tideland decision, as follows:

LONG FIGHT AHEAD

Following the Federal Supreme Court's newest decision against a century-old and long-unchallenged right of the coastal States, we may expect another drive for a "compromise" settlement. The "big-Government" clique tried the compromise racket last year and failed. Presumably they will use the new decision as a club in an attempt to force formal surrender that might bar later restoration of rights judicially nullified at the moment, but restorable by Congress.

It will be recalled that Congress enacted such a restorative law in 1946, but President Truman vetoed it. Its reenactment now is entirely practicable, as we understand it, with substantial majorities available in both Houses. That action in our judgment should be taken now as a protest by the legislative branch of our Government against the nullification of rights and powers reserved to the several States and their transfer to Washington. Mr. Truman would use his veto power against it, of course—but he could not minimize nor break the force of such a pronouncement by the United States Congress. Unless the power-centralization movement is driven to the point of complete submission by the American people, and total deprivation of the State's constitutional powers, Mr. Truman's successor in the White House, either in 1953 or 1958, in all probability will interpose no veto on a restorative bill passed by Congress and backed beyond question by the American majority.

The struggle thus may be long-drawn, but it is one that needs to be made. Seizure of the tidelands is only a beginning, of course. The precedent thus created could and would be used sooner or later against inland States with equally seizable resources tempting the power-hungry bureaucrats in Washington. That is so well understood that both the conference of State governors and the Nation-wide organization of State attorneys general have declared repeatedly and almost unanimously against the tidelands grab. So long as Congress refuses to sanction it, the Federal grabsters cannot cash in on it. Another desperate effort to coax or frighten the States into surrender by compromise can be and must be turned back if this Republic is to be saved from the totalitarian yoke toward which the "big-Government" crowd is heading.

Mr. Speaker, it is my fervent hope that the Supreme Court may grant the appeal of the States of Louisiana, and Texas; however, if the Supreme Court does not do so, I am certain that if the legislation to settle this question is presented to the Congress that the Congress will vote overwhelmingly not to deprive California, Louisiana, Texas, or any other States of their rightful title and ownership of their tideland.

(Mr. LARCADE asked and was given permission to revise and extend his remarks and include various statements, newspaper editorials, and other material.)

SPECIAL ORDER

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 5 minutes.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include statements and excerpts, especially testimony before the Committee on Small Business this morning.)

requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HUNT, Mr. KEFAUVER, and Mrs. SMITH of Maine to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3571) entitled "An act to continue the authority of the Secretary of Commerce under the Merchant Ship Sales Act of 1946, and for other purposes;" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. MCFARLAND, and Mr. WILLIAMS to be the conferees on the part of the Senate.

SECRETARY OF COMMERCE

Mr. HART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3571) to continue the authority of the Secretary of Commerce under the Merchant Ship Sales Act of 1946, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HART, WEICHEL, and BONNER.

PUERTO RICO

Mr. DELANEY, from the Committee on Rules, reported the following privileged resolution (H. Res. 678, Rept. No. 2365), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of a bill (S. 3336) to provide for the organization of a constitutional government by the people of Puerto Rico. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

TIDELANDS

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 679, Rept. No. 2366), which was referred to the House Calendar and order to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8137) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries. That after general debate which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

IMPORT CONTROLS WITH RESPECT TO FATS AND OILS

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 680, Rept. No. 2367), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3550) to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils (including butter), and rice and rice products. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FIRST UNITED STATES INTERNATIONAL TRADE FAIR

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 681, Rept. No. 2368), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 453) authorizing the President to invite the States of the Union and foreign countries to participate in the First United States International Trade Fair, to be held at Chicago, Ill., August 7 through 20, 1950. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

RESERVE COMPONENTS OF THE ARMED FORCES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 682, Rept. No. 2369), which was referred to the House Calendar and ordered to be printed:

Resolved, that immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8594, to provide for the acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, and for other purposes. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Commitee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CIVILIAN GOVERNMENT EMPLOYEES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 683, Rept. No. 2370), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7439) to protect the national security of the United States by permitting the summary suspension of employment of civilian officers and employees of various departments and agencies of the Government, and for other purposes. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDING FEDERAL RESERVE ACT

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 684, Rept. No. 2371), which were referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3527) to amend section 14 (b) of the Federal Reserve Act, as amended. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered

thorize annual and sick leave with pay for commissioned officers of the Public Health Service, to authorize the payment of accumulated and accrued annual leave in excess of 60 days, and for other purposes; with amendment (Rept. No. 2362). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 6242. A bill to prevent the entry of certain giant snails into the United States; without amendment (Rept. No. 2363). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 7257. A bill to provide for the acquisition of land and the construction thereon of buildings and appurtenances essential for forest fire control operations of the Forest Service, United States Department of Agriculture, at or near Missoula, Mont., and for other purposes; with amendment (Rept. No. 2364). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 678. Resolution for consideration of S. 3336, an act to provide for the organization of a constitutional government by the people of Puerto Rico; without amendment (Rept. No. 2365). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 679. Resolution for consideration of H. R. 8137, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries; without amendment (Rept. No. 2366). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 680. Resolution for consideration of S. 3550, an act to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils (including butter), and rice and rice products; without amendment (Rept. No. 2367). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 681. Resolution for consideration of House Joint Resolution 453, joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the First United States International Trade Fair, to be held at Chicago, Ill., August 7 through 20, 1950; without amendment (Rept. No. 2368). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 682. Resolution for consideration of H. R. 8594, a bill to provide for the acquisition, construction, expansion, rehabilitation, conversion, and joint utilization of facilities necessary for the administration and training of units of the Reserve components of the Armed Forces of the United States, and for other purposes; without amendment (Rept. No. 2369). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 683. Resolution for consideration of H. R. 7439, a bill to protect the national security of the United States by permitting the summary suspension of employment of civilian officers and employees of various departments and agencies of the Government, and for other purposes; without amendment (Rept. No. 2370). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 684. Resolution for the consideration of S. 3527, an act to amend section 14 (b) of the Federal Reserve Act, as amended; without amendment (Rept. No. 2371). Referred to the House Calendar.

Mr. McSWEENEY: Committee on Rules. House Resolution 685. Resolution for consideration of H. R. 7940, a bill to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes; without amendment (Rept. No. 2372). Referred to the House Calendar.

Mr. RANKIN: Committee of conference. S. 2596. An act relating to education or training of veterans under title II of the Servicemen's Readjustment Act (Public Law 346, 78th Cong., June 22, 1944) (Rept. No. 2373). Ordered to be printed.

Mr. McMILLAN of South Carolina: Committee of conference. S. 3258. An act to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia (Rept. No. 2374). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 8974. A bill to provide that final decisions of the Court of Claims shall be appealable to the United States Court of Appeals; to the Committee on the Judiciary.

By Mr. PETERSON:

H. R. 8975. A bill to amend the Synthetic Liquid Fuels Act, as amended, to the Committee on Public Lands.

By Mr. TAYLOR:

H. R. 8976. A bill to provide for the issuance of a postage stamp in commemoration of the diamond jubilee of the American Chemical Society; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H. R. 8977. A bill to provide for the issuance of a special postage stamp in commemoration of the two hundred and fiftieth anniversary of Detroit, Mich.; to the Committee on Post Office and Civil Service.

By Mr. FULTON:

H. R. 8978. A bill to provide for the payment of sums in lieu of real-property taxes on Government properties transferred to the national industrial reserve; to the Committee on Armed Services.

By Mr. SIKES:

H. R. 8979. A bill to provide for the transfer or quitclaim of title to certain lands in Florida; to the Committee on Public Lands.

By Mr. GRANGER:

H. R. 8980. A bill to authorize the construction, operation, and maintenance of the Colorado River storage project and of certain other reclamation projects, and for other purposes; to the Committee on Public Lands.

By Mr. ABBITT:

H. R. 8981. A bill to amend the peanut-marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ALBERT:

H. R. 8982. A bill to amend the Classification Act of 1949 so as to provide a quota for grades 16, 17, and 18 in the legislative branch, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. ROGERS of Massachusetts:

H. R. 8983. A bill to authorize payments by the Administrator of Veterans' Affairs for the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PATTEN:

H. R. 8984. A bill to promote the rehabilitation of the Papago Tribe of Indians and a better utilization of the resources of the Papago Tribe, and for other purposes; to the Committee on Public Lands.

By Mr. O'BRIEN of Michigan:

H. R. 8985. A bill to provide for the issuance of a special postage stamp in commemoration of the two hundred and fiftieth anniversary of Detroit, Mich.; to the Committee on Post Office and Civil Service.

By Mr. WHITE of Idaho:

H. Con. Res. 227. Concurrent resolution to support and strengthen the United Nations by adopting an International Charter; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Res. 671. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mr. GRANGER:

H. Res. 672. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mr. BARING:

H. Res. 673. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mr. BENNETT of Michigan:

H. Res. 674. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mr. HILL:

H. Res. 675. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mrs. BOSONE:

H. Res. 676. Resolution rescinding the action of the House in passing House Joint Resolution 494; to the Committee on Rules.

By Mr. O'TOOLE:

H. Res. 677. Resolution to create a special committee to provide for operation of the House of Representatives in the event that that body is unable by reason of the hostile action of a foreign power to perform the duties prescribed by the Constitution of the United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, relative to the importance of stockpiling worsted fabrics instead of raw wool; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Massachusetts, relative to including in the rivers and harbors bill the necessary funds to dredge Wellfleet Harbor; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Massachusetts, opposing further tariff reductions on imports of shoe and textile goods; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H. R. 8986. A bill for the relief of Natale Joseph John Ratti; to the Committee on the Judiciary.

By Mr. GOLDEN:

H. R. 8987. A bill for the relief of Setsuko Kato; to the Committee on the Judiciary.

By Mr. KEATING (by request):

H. R. 8988. A bill to provide for the extension of patent No. 1,917,161, issued July 4, 1933, to Charles L. Smith, relating to a nonskid chain; to the Committee on the Judiciary.

By Mr. MEYER (by request):

H. R. 8989. A bill to provide for relief of Prof. Bernat Rubin; to the Committee on the District of Columbia.

By Mr. MORTON:

H. R. 8990. A bill for the relief of Yoshiko Hisada McClarty; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 8991. A bill to provide for the issuance of commissions in the United States

Mr. LUCAS. I move to lay that motion on the table.

Mr. WHERRY and other Senators requested the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOUGLAS. Is the motion now before the Senate the motion of the Senator from Illinois, to lay on the table the motion of the Senator from Nebraska?

The VICE PRESIDENT. That is correct.

The legislative clerk resumed the call of the roll.

Mr. BREWSTER (when his name was called). Mr. President, I am happy that I still have the privilege of voting "nay."

The VICE PRESIDENT. Debate is not in order.

Mr. BREWSTER. I wanted to put that on the RECORD.

The VICE PRESIDENT. It is on the RECORD, and the Chair's response is likewise on the RECORD.

The legislative clerk resumed and concluded the call of the roll.

Mr. MYERS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], and the Senator from Maryland [Mr. O'CONOR] are absent on public business.

The Senator from California [Mr. DOWNEY] is absent because of illness.

The Senator from Tennessee [Mr. KEFAUVER] is absent on official committee business.

The Senator from Louisiana [Mr. LONG], the Senator from Idaho [Mr. TAYLOR], and the Senator from Kentucky [Mr. WITHERS] are absent by leave of the Senate.

I announce further that if present and voting, the Senator from Mississippi [Mr. EASTLAND], and the Senator from Maryland [Mr. O'CONOR] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. CAIN] and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Idaho [Mr. DWORSHAK] is absent on official business.

The Senator from California [Mr. KNOWLAND] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business attending a meeting of the Special Committee To Investigate Organized Crime in Interstate Commerce.

The result was announced—yeas 46, nays 37, as follows:

YEAS—46

Anderson	Green	Leahy
Benton	Hayden	Lehman
Chapman	Hill	Lucas
Chavez	Hoey	McCarran
Connally	Holland	McClellan
Douglas	Humphrey	McFarland
Ellender	Hunt	McKellar
Frear	Johnson, Colo.	McMahon
Fulbright	Johnson, Tex.	Magnuson
George	Johnston, S. C.	Maybank
Gillette	Kerr	Murray
Graham	Kilgore	Myers
Neely	Russell	Thomas, Utah
O'Mahoney	Sparkman	Tydings
Pepper	Stennis	
Robertson	Thomas, Okla.	

NAYS—37

Aiken	Hendrickson	Saltonstall
Brewster	Hickenlooper	Schoeppel
Bricker	Ives	Smith, Maine
Bridges	Jenner	Smith, N. J.
Butler	Kem	Taft
Capehart	Langer	Thye
Cordon	Lodge	Watkins
Darby	McCarthy	Wherry
Donnell	Malone	Wiley
Ecton	Martin	Williams
Ferguson	Millikin	Young
Flanders	Morse	
Gurney	Mundt	

NOT VOTING—13

Byrd	Kefauver	Tobey
Cain	Knowland	Vandenberg
Downey	Long	Withers
Dworshak	O'Conor	
Eastland	Taylor	

So Mr. WHERRY's appeal from the decision of the Chair was laid on the table.

The VICE PRESIDENT. Are there further reports of committees?

Mr. LODGE. Mr. President, I ask unanimous consent that I may submit my individual views with reference to the report submitted under Senate Resolution 231, and that they be printed.

The VICE PRESIDENT. Without objection, the individual views will be received and printed.

Mr. TYDINGS. Mr. President, in accordance with the instructions of the Foreign Relations Committee of the Senate, I ask that the majority views and the minority views be printed separately, as suggested by the Senator from Massachusetts.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. McCARRAN:

S. 3945. A bill to amend sections 3052 and 3107 of title 18, United States Code, relating to the powers of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 3946. A bill to amend title 46, United States Code, section 251; to the Committee on Interstate and Foreign Commerce.

By Mr. THYE:

S. 3947. A bill to exempt persons who served as cadets in the United States Merchant Marine Academy in excess of 90 days at sea beyond the continental limits of the United States between September 16, 1940, and September 2, 1945, from induction or service under the Selective Service Act of 1948; to the Committee on Armed Services.

S. 3948. A bill to authorize the Reconstruction Finance Corporation to extend financial assistance to private enterprise to promote the development, production, and utilization of taconite and other minerals important to the national defense and valuable to the national economy; to the Committee on Banking and Currency.

By Mr. HUMPHREY:

S. 3949. A bill to authorize the Reconstruction Finance Corporation to extend financial assistance to private enterprise to promote the development, production, and utilization of taconite and other minerals advantageous to the national defense and the strengthening of the national economy, to promote free enterprise in the mineral mining industry, and for other purposes; to the Committee on Banking and Currency.

(Mr. HUMPHREY (for himself, Mr. DOUGLAS, Mr. KILGORE, and Mr. LANGER) introduced Senate bill 3950, to provide for the pooling of unused immigration quotas, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. TAFT:

S. 3951. A bill for the relief of Herbert H. Heller; to the Committee on the Judiciary.

By Mr. LEHMAN:

S. 3952. A bill for the relief of Emmanuel Caralli; to the Committee on the Judiciary.

By Mr. O'MAHONEY:

S. J. Res. 195. Joint resolution to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the continental shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes; to the Committee on Interior and Insular Affairs.

POOLING OF UNUSED IMMIGRATION QUOTAS

Mr. HUMPHREY. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS], the Senator from West Virginia [Mr. KILGORE], the Senator from North Dakota [Mr. LANGER], and myself, I introduce for appropriate reference a bill to provide for the pooling of unused immigration quotas, and I ask unanimous consent that an explanatory statement of the bill, prepared by me, may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the explanatory statement presented by the Senator from Minnesota will be printed in the RECORD. The Chair hears no objection.

The bill (S. 3950) to provide for the pooling of unused immigration quotas, introduced by Mr. HUMPHREY (for himself, Mr. DOUGLAS, Mr. KILGORE, and Mr. LANGER), was read twice by its title and referred to the Committee on the Judiciary.

The explanatory statement presented by Mr. HUMPHREY is as follows:

STATEMENT BY SENATOR HUMPHREY

Under our present immigration laws our total immigration quota, as fixed under the Immigration Act of 1924, is approximately 154,000 per year. It is not our intention with this bill to either raise or lower that quota. It is very clear, however, that within the past 10 years less than 50 percent of the available quota visas have actually been used. The result has been that immigration to the United States has been on a far lesser scale than our laws intended and has thus caused untold hardships both to our own welfare as a Nation and also to a great many needy immigrants. To correct some of these hardships it has been necessary frequently for Members of the Congress to introduce hundreds of private bills.

A great many Americans have been concerned with this development in our immigration practice. I have also felt that the quota pattern established in 1924 among different nationalities is today, in view of the changes in the European political scene during the past 26 years, somewhat obsolete. Nevertheless, there is today no way whereby we can shift quota visas from a nation which does not allow migration, such as the Soviet Union, to a nation which does allow migration but which has a very low quota, such as Greece.

the Supreme Court of the United States in the case of *United States* v. *Louisiana* (Original No. 12, October term, 1949) or in the case of *United States* v. *Texas* (Original No. 13, October term, 1949) if the decree is adverse to the defendant's claim of proprietary rights in submerged lands of the continental shelf, exercise such powers of supervision and control as may be vested in the lessor by the terms and provisions of the lease.

SEC. 2. The Secretary is authorized, upon the application of any person holding a mineral lease issued by or under the authority of a State on tidelands or submerged lands beneath navigable inland waters within the boundaries of such State, to certify that the United States does not claim any proprietary interest in such lands or in the mineral deposits within them.

SEC. 3. In the event of a controversy between the United States and a State as to whether submerged lands held under mineral leases issued by or under the authority of the State are submerged lands of the Continental Shelf or submerged lands beneath navigable inland waters, the Secretary is authorized, with the concurrence of the Attorney General of the United States if the controversy is being litigated, to negotiate with the State an agreement respecting the continuation of operations under such leases pending the settlement or adjudication of the controversy.

SEC. 4. (a) In order to meet the urgent need during the present emergency for further exploration and development of the oil and gas deposits in the submerged lands of the Continental Shelf, the Secretary is authorized for a period of 3 years from the effective date of this resolution, or, as to submerged lands of the Continental Shelf within the boundaries of Louisiana or Texas, for a period of 3 years after the entry of a decree by the Supreme Court of the United States in the case of *United States* v. *Louisiana* (Original No. 12, October Term, 1949) or in the case of *United States* v. *Texas* (Original No. 13, October Term, 1949) if the decree is adverse to the defendant's claim of proprietary rights in submerged lands of the Continental Shelf, to grant to the qualified persons offering the highest bonuses on a basis of competitive bidding oil and gas leases on submerged lands of the Continental Shelf which are not covered by leases within the scope of subsection (a) of section 1 of this resolution.

(b) A lease issued by the Secretary pursuant to this section shall cover such area as the Secretary may determine, shall be for a period of 5 years and as long thereafter as oil or gas may be produced from the area in paying quantities, shall require the payment of royalty at the rate of 12½ percent, and shall contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe in advance of offering the area for lease.

(c) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in a special fund in the Treasury pending the enactment of legislation by the Congress respecting their disposition.

SEC. 5. The Secretary is authorized to issue such regulations as he may deem to be necessary or advisable in performing his functions under this resolution.

SEC. 6. When used in this resolution, (a) the term, "submerged lands of the continental shelf," means the lands (including the oil, gas, and other minerals therein) underlying the sea and situated outside the ordinary low-water mark on the coasts of the United States and outside the inland waters and extending seaward to the outer edge of the continental shelf; (b) the term "mineral lease" means any form of authorization for the exploration, development, or production of oil, gas, or other minerals; (c) the term "tidelands" means lands regularly covered and uncovered by the flow and the ebb of the tides; and (d) the term "Secretary" means the Secretary of the Interior.

STATEMENT BY SENATOR O'MAHONEY

INTERIM OPERATION OF TIDELANDS OIL LEASES

Believing that it is essential in the national interest that there should be no interruption of the development and operation of oil deposits in the submerged lands of the continental shelf, I have today introduced a joint resolution providing for the interim development and operation of these lands.

Petroleum is the essential fuel for all military operations—on land and sea and in the air. In the situation which now confronts our country in international relations nothing should be left undone to promote the development of petroleum resources in this country.

The Supreme Court in the Louisiana and Texas cases handed down opinions on June 5 this year confirming the position which was taken in the decision of June 23, 1947, in the California case, reasserting the paramount authority of the United States over submerged lands. Formal decrees have not yet been handed down in the Louisiana and Texas cases and the Congress has not yet enacted any of the bills now before it affecting these lands. It seems to be quite impossible that any of these measures could be enacted at this session.

If there is no legislation, the delay occasioned by the slow process of the issuance of court decrees and the determination of the applications of the States of Louisiana and Texas for rehearing would raise such obstacles to operation and development that the United States would probably be deprived of oil production from these lands at a time when it will be needed in the national interest. At the same time, both the States and the industry, as well as the people of the United States, would suffer.

My resolution in effect makes the Secretary of the Interior a receiver to administer all of the submerged lands except those under inland navigable waters. He will be authorized to receive all rents and royalties under existing leases and to deposit these sums in a special fund in the Treasury pending final solution of the controversy by court action and congressional legislation.

The resolution does not attempt to settle any controversial issue but it does give the Secretary of the Interior authority for a period of 3 years after the entry of a decree in the Louisiana and Texas cases, to grant leases on submerged lands of the Continental Shelf which are not covered by existing State leases.

Failure to enact interim legislation of some kind would precipitate very serious confusion at a time when the country can ill afford it.

Section 1 of the bill provides that any lease of submerged lands issued under the authority of any State prior to December 21, 1948, and which is in force and effect on the date of the resolution may continue to be operated in accordance with the provisions of the State lease. All rents, royalties, and other sums payable under such a California lease or such a lease issued by Louisiana or Texas, if the decree sustains the position of the United States, are to be paid to the Secretary of the Interior pending the enactment of legislation by Congress providing for their disposition. This section also gives the Secretary all the powers of supervision and control which are vested in the State under the terms of such leases.

Section 2 authorizes the Secretary to certify that the United States does not claim any proprietary interest in lands or mineral deposits in lands 'beneath navigible inland waters within the boundaries of any State.'

Section 3 authorizes the Secretary of the Interior to negotiate an agreement with any State with respect to the operation of leases which may be subject to a controversy as to whether they cover submerged lands of the Continental Shelf or submerged lands beneath navigable inland waters. If the United States is engaged in any litigation involving such lands, the Secretary of the Interior is required to obtain the concurrence of the Attorney General of the United States.

Section 4 authorizes the Secretary to issue leases at competitive bidding but on a flat royalty rate of 12½ percent for 5 years and as long as oil and gas may be produced on submerged lands which are not covered by State leases within the provisions of section 1(a). Receipts under such leases are also to be deposited in a special fund pending future legislation.

Section 5 authorizes the Secretary to issue regulations and section 6 contains the necessary definitions.

I am distributing copies of the resolution to all persons who have indicated an interest in the matter and at an early date I shall call a session of the Committee on Interior and Insular Affairs at which the problem may be discussed.

THE PRESIDENT'S PROGRAM FOR MEETING THE KOREAN CRISIS

Mr. IVES. Mr. President, at the outset I desire it understood that I am not speaking on the question which has been under discussion this afternoon. I intend to speak on it, probably, tomorrow.

Mr. President, when the Russian equipped and trained Communists from North Korea made their open attack on the Republic of Korea on Sunday, June 25, they opened a new phase in world history. We had known that Soviet communism had its plans for world conquest. But we had hoped that it would limit itself to methods short of open armed aggression. We had hoped that it would respect the principle, established by the United Nations Charter, that there should be no threat or use of force against the territorial integrity or political independence of any state. The unprovoked attack on the new Republic of Korea shows that these hopes were vain; it shows that the free world must now gird itself to meet the menace of armed attack at any time, at any place.

The present struggle is not just a struggle between the United Nations and the Communist forces of North Korea. Neither is it yet a struggle between two great powers. It is everlastingly important to keep these things clearly in mind.

We are engaged in the age-old struggle of despotism against freedom. This is a struggle which concerns all of the free world and calls for moral and, to the extent practicable, economic and military support from all who are engaged on the side of freedom. The United Nations has acted promptly, and decisively, to make this clear. Fifty-two nations have concurred in the Security Council finding of aggression and in its appeal to bring that aggression to an end.

While all must help, the heaviest burden and the responsibility of leadership fall upon the United States, not because this is peculiarly our war, but because we have the unique capacity to contribute to a common cause. We have industrial productivity roughly five times that of the Soviet Union. We are the only one

By Mr. STIGLER:

H. R. 9219. A bill to promote the rehabilitation of the Five Civilized Tribes and other Indians of eastern Oklahoma, and for other purposes; to the Committee on Public Lands.

By Mr. DOYLE:

H. J. Res. 507. Joint resolution to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. J. Res. 508. Joint resolution to provide for the continuation of operations under certain mineral leases issued by the respective States covering submerged lands of the Continental Shelf, to encourage the continued development of such leases, to provide for the protection of the interests of the United States in the oil and gas deposits of said lands, and for other purposes; to the Committee on the Judiciary.

By Mr. MASON:

H. J. Res. 509. Joint resolution proposing an amendment to the Constitution of the United States limiting the taxing and spending powers of the Congress; to the Committee on the Judiciary.

By Mr. MANSFIELD:

H. J. Res. 510. Joint resolution to exempt certain counsel employed by committee from certain Federal laws under Special Committee on Campaign Expenditures, 1950; to the Committee on the Judiciary.

By Mr. SMATHERS:

H. J. Res. 511. Joint resolution providing for recognition and endorsement of the Inter-American Cultural and Trade Center; to the Committee on Foreign Affairs.

By Mr. HOLIFIELD:

H. Con. Res. 248. Concurrent resolution to express the sense of the Congress with respect to universal service and total mobilization of national resources in any future war in which the United States may be engaged; to the Committee on Armed Services.

By Mr. KEE:

H. Res. 731. Resolution authorizing a reprint of House Report No. 2495, Background Information on Korea; to the Committee on House Administration.

By Mr. RABAUT:

H. Res. 732. Resolution to create a select committee to investigate and study the high cost of living; to the Committee on Rules.

By Mr. SHEPPARD:

H. Res. 733. Resolution to increase compensation to certain employees under the jurisdiction of the Doorkeeper; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, urging legislation to authorize a commemorative postage stamp in recognition of the outstanding service of Maj. Gen. Henry Knox; to the Committee on Post Office and Civil Service.

Also, memorial of the Legislature of the State of New York, requesting the enactment of appropriate legislation to bring to the attention of various countries the feeling of world-wide revulsion at the forcible detention of 28,000 children from their homes in Greece; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of New York, requesting the enactment of appropriate legislation returning to the several States excess amounts collected by the Federal Government for the administration costs of the unemployment insurance and employment service programs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Massachusetts:

H. R. 9220. A bill for the relief of Giovanni Pepe; to the Committee on the Judiciary.

By Mr. DEANE:

H. R. 9221. A bill with respect to the national service life insurance in the case of the late Guy P. Harris; to the Committee on the Judiciary.

By Mr. PATTEN:

H. R. 9222. A bill for the relief of Eiko Moriyama; to the Committee on the Judiciary.

By Mr. SABATH:

H. R. 9223. A bill for the relief of Zora Novacek, Daniela Novacek, and Frantisek Novacek; to the Committee on the Judiciary.

By Mr. SADOWSKI:

H. R. 9224. A bill for the relief of Balsina Borrelli; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 9225. A bill for the relief of Lee Lai Ha; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 9226. A bill for the relief of Capt. and Mrs. Jens Einer Hermann Henrichsen as owners of the yacht *Viking;* to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2278. By Mr. GOODWIN: Resolutions of the Massachusetts Legislature, providing that Congress be petitioned to pass legislation authorizing the issue of a commemorative postage stamp in recognition of the outstanding service to the Nation of Maj. Gen. Henry Knox; to the Committee on Post Office and Civil Service.

2279. Also, resolution of the Board of Aldermen of the city of Somerville, with regard to pollution of the Mystic River; to the Committee on Public Works.

2280. By Mr. MACK of Washington: Memorial of the Washington State House of Representatives, presently in session, with reference to the President's action in sending military aid to Korea; to the Committee on Foreign Affairs.

2281. Also, memorial of the Washington State Legislature, asking Federal assistance in the maintenance of highways in the Fort Lewis area; to the Committee on Public Works.

2282. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, urging legislation to authorize a commemorative postage stamp in recognition of the outstanding service of Maj. Gen. Henry Knox; to the Committee on Post Office and Civil Service.

2283. By the SPEAKER: Petition of E. E. MacDonald, manager, Hidalgo County Water Control and Improvement District No. 6, Mission, Tex., deploring the long and inexcusable delay in construction work on the Falcon Dam provided for and required by the treaty between the United States of America and the Republic of Mexico; to the Committee on Appropriations.

2284. Also, petition of O. N. Burgess, secretary, Virginia-Carolinas Typographical Conference, Charlotte, N. C., endorsing the principle of the 35-hour workweek, to include all Government employees, both annual and per diem; to the Committee on House Administration.

2285. Also, petition of E. A. Munyan, Atomic City Post, No. 199, American Legion, Oak Ridge, Tenn., requesting that they be placed on record as protesting the defiant attitude of the Atomic Energy Commission officials at Oak Ridge in ignoring veterans' preference rights, and that an appropriate committee of the Congress be requested to immediately investigate this terrible situation; to the Committee on Post Office and Civil Service.

2286. Also, petition of F. Kennedy Carr, secretary, Townsend Clubs of Volusia County, Fla., Daytona Beach, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

2287. Also, petition of Mrs. Charles H. Nutting and others, Ormond, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

COMMITTEE EMPLOYEES

COMMITTEE ON AGRICULTURE

JULY 17, 1950.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1950, to June 30, 1950, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Joseph O. Parker	Attorney	$5,250.98
John J. Heimburger	Commodity and research specialist.	5,250.98
Altavene Clark	Executive officer (from Jan. 1 to Mar. 31, 1950).	2,711.49
Mabel C. Downey	Clerk	5,250.98
Lydia Vacin	Staff assistant	2,627.57
Lorraine Adamson	do	2,207.55
Betty Prezioso	do	2,015.63
Alice M. Baker	do	2,627.52

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	9,030.65
Amount expended from Jan. 1 to June 30, 1950	6,576.66
Total amount expended from Jan. 1 to June 30, 1950	15,607.31
Balance unexpended as of July 1, 1950	34,392.69

HAROLD D. COOLEY,
Chairman.

COMMITTEE ON APPROPRIATIONS

JULY 15, 1950.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946,